



BC FERRY & MARINE WORKERS' UNION

RESPECTFUL WORKPLACE POLICY

I. Policy Statement

BC Ferry & Marine Workers' Union, or BCFMWU, or Ferry Workers, or the "Union" is committed to the right of all workers to enjoy a respectful workplace and to be treated with dignity and respect at work.

BCFMWU will not tolerate or condone behaviour that undermines the dignity and self-esteem of any worker, or which creates an intimidating, hostile or offensive work environment. As members of BCFMWU and the labour movement, we must speak out against harassment, bullying and discrimination and stand together to protect human rights and dignity at work.

This includes refraining from making any frivolous, vexatious, and/or malicious allegation(s) or complaint(s) under this Policy. The integrity of the process under this Policy must be protected by all workers and, therefore, this Policy must not be utilized for any purpose other than addressing bullying, harassment, and/or discrimination.

II. Application

This Policy applies to all Union Hall Staff including full-time, part-time, and casual employees, whether temporary or permanent, and Union members temporarily booked off to work in the service of the Union (the "Members"). This Policy governs your dealings with not only BCFMWU co-Workers, but also your dealings with all others encountered in your work, including members of the Union and any visitors to the Union, whether at the Union offices, an employer of the Union or member worksite, or by telephone, email or text message.

Workers must:

- Not bully, harass or discriminate against others,
- Not make false, frivolous or malicious complaints or allegations,
- Address observed or experienced bullying, harassment and/or discrimination and report it,
- Cooperate with any investigation pursuant to this Policy including respecting confidentiality obligations; and

- Comply with the Union’s policies and procedures on bullying, harassment and discrimination, including this Policy.

Workers have the right to:

- Work in an environment that is free from bullying, harassment and discrimination,
- File a complaint when the environment is not free from bullying, harassment and discrimination, without fear of embarrassment or reprisal,
- Be informed of complaints made against them,
- Be kept informed throughout the process and of remedial action taken; and
- Confidentiality to the degree possible under the circumstances.

III. Intent of the Policy

This Policy is intended to:

- i) Ensure all persons are treated with dignity and respect, free from bullying, harassment, and discrimination;
- ii) Provide an environment that respects and promotes human rights and personal dignity; and
- iii) Fulfill the obligations of employers under the British Columbia Workers Compensation Act, the Human Rights Code, and other relevant legislation to prevent bullying and harassment in the workplace.

IV. Definitions

“Bullying and Harassment” includes:

- (a) Any inappropriate conduct or comment by a person towards a Worker that the person knew or reasonably ought to have known would cause that Worker to be humiliated or intimidated; but
- (b) Excludes any reasonable action taken by an employer or supervisor relating to the management and direction of Workers or the place of employment.

“Bullying and Harassment” does **not** include:

- (a) Expressing differences of opinion, in a respectful manner;
- (b) BCFMWU offering constructive feedback, guidance or advice about work-related behaviour, managing a Worker’s performance, taking reasonable disciplinary actions, assigning work or job duties, managing workload, setting deadlines; or
- (c) A worker making a legitimate complaint about another Worker’s conduct through established procedures.

FORMS OF HARASSMENT

Verbal harassment includes, but is not limited to the following conduct:

- Foul or obscene language, verbal aggression, or insults;
- Calling someone derogatory names;
- Demeaning restrictive jokes or slurs; and
- Spreading malicious rumours.

Physical harassment includes, but is not limited to the following conduct:

- Practical jokes;
- Vandalizing personal belongings;
- Pushing, shoving, aggressive behavior, and the like; and
- Physical interference with work or movement.

Sexual harassment is unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to negative job-related consequences. Sexual harassment includes, but is not limited to:

- Unwanted touching like patting, grabbing, or pinching;
- Offensive comments or gestures including insulting nicknames, innuendo, taunting or jokes;
- Sexual requests or suggestions;
- Staring at or making unwelcome comments about a person's appearance or body;
- Spreading rumours about a person's sex-life or morals;
- Questions about a person's sex-life or preferences;
- Being abusive to someone because of gender identity or gender expression;
- Implied or express promises of reward for complying with, or threats of reprisal for not complying with, a sexually-oriented request; and
- Sexual assault (which is also a criminal matter).

Visual Harassment includes, but is not limited to:

- Obscene gestures, demeaning posters, photos, pictures, cartoons, graffiti, or drawings, which are shown to an individual or a group or displayed in plain view.
- Where these have a sexual orientation, this will constitute sexual harassment.

Other Harassment includes but is not limited to sabotaging work, humiliating hazing or initiation practices, and cyber bullying.

"Discrimination" means any adverse treatment at work that is based on personal characteristics including, but not limited to, race, colour, ancestry, place of origin, political

belief, religion, marital status, family status, physical or mental ability, sex, sexual orientation, gender identity or expression, or age of that person or because the Worker has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of the Worker.

Bullying, harassment and discrimination do not have to be intentional to be against the law or against this Policy. For instance, even well-intended jokes or compliments can be humiliating or intimidating to the recipient. A good approach is to put yourself in the other person's shoes and carefully avoid comments or actions that have any potential for being misinterpreted.

V. Prevention

Prevention is always the first line of defense against bullying, harassment and discrimination. Everyone must work to ensure a positive work environment and the highest level of care to respecting all those they encounter at work.

Personal issues can negatively affect the work environment and be factors in incidents of bullying, harassment and discrimination. All Workers are asked to keep this in mind, and seek help for personal issues as needed.

VI. Steps in Response to Bullying, Harassment and/or Discrimination

Informal Discussion between Parties

Where a Worker directly experiences what is believed to be bullying, harassment and/or discrimination, the first step is for the Worker to have an informal discussion directly with the co-Worker(s) who engaged in the alleged behaviour. This step is not required where an informal discussion may escalate matters or where it is reasonable to conclude immediate involvement of the Executive Director is necessary, or the President if needed.

Informal discussions must take place as soon as possible after the incident(s) giving rise to the concern. Discussions must involve only the person alleging the disrespectful conduct (the "Complainant") and the person(s) who engaged in the alleged disrespectful conduct (the "Respondent"). All parties to the discussion must agree to keep the discussion confidential; however, any harassing, bullying or discriminatory conduct that occurs during the informal discussion is not protected by confidentiality. The Complainant must clearly inform the co-Worker that their actions are inappropriate and that the offensive behaviour should stop. It may be helpful to refer to a copy of this Policy during an informal discussion.

Where the Complainant concludes the informal discussion appropriately remedied the situation, the matter will be considered resolved.

The Complainant is required to inform the other party or parties to the informal discussion, within five (5) days of the discussion, whether the matter has been resolved. Where the matter remains unresolved, and the Complainant wishes to submit a formal complaint, the Complainant must submit the formal complaint within five (5) days of the Complainant informing the other party or parties that the matter remains unresolved.

Addressing and Reporting Bullying, Harassment and/or Discrimination Experienced by a Co-Worker

Any work-leader (i.e. manager and/or bargaining unit and non-bargaining unit supervisor) who observes bullying, harassment or discrimination should take immediate action to attempt to stop the disrespectful behaviour.

Any other Worker who becomes aware of bullying, harassment or discrimination against a co-Worker is asked to promptly notify the Executive Director. Where the Executive Director is the person or party to the disrespectful behaviour, please instead notify the President.

When to Make a Formal Complaint

If you believe you directly experienced bullying, harassment or discrimination, and an informal discussion did not remedy the situation, you may make a formal complaint.

Formal Complaints must be made as soon as possible after experiencing an incident in order to allow the incident to be effectively investigated and addressed. For this reason, formal complaints are required to be submitted by a Complainant within five (5) days of the Complainant informing the other party or parties that a matter remains unresolved.

How to Make a Formal Complaint

A formal complaint may be submitted either verbally or in writing. When submitting a written complaint, please use the workplace bullying and harassment complaint Form, set out as Appendix "A" to this Policy.

Who to Submit Formal Complaint To

Formal complaints are to be submitted to the Executive Director of BCFMWU. If the Executive Director is the person alleged to be engaged in bullying, discriminatory, and harassing behaviour, or if you are not comfortable for another reason in making the report to the Executive Director, please make the report to the President.

What to Include in the Formal Complaint

The Complainant, whether providing a verbal or written formal complaint, should provide as much information as possible in a complaint, including the names of people involved, witnesses, where the events occurred, when they occurred, and what behaviour and/or words

led to the complaint. Any supporting documents, such as emails, handwritten notes, or photographs should also be submitted.

VII. Response by BCFMWU to Formal Complaint

Upon receiving a formal complaint, BCFMWU and/or its Executive Director will make a determination about appropriate next steps.

This may include informal non-disciplinary discussions, mediation where agreed-to by all involved parties, and/or a formal investigation conducted either internally or by an external investigator.

VIII. Investigation

Formal complaints may be appropriately concluded or resolved after informal nondisciplinary discussion or mediation. In such cases, a formal investigation will not occur. For greater clarity, BCFMWU may determine, in its sole discretion, that a formal complaint has been appropriately resolved after informal discussion, and that no investigation or further steps are required.

Where informal discussions and/or mediation have not resolved alleged disrespectful behaviour, most investigations will be conducted internally. In complex or sensitive situations, an external investigator may 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 to the degree possible in the circumstances;
- Allow all those interviewed to have a steward or witness of their choice present during the interview;
- Be focused on finding facts and evidence, including interviews of the Complainant, Respondent, and any witnesses; and
- Incorporate, where appropriate, any need or request from the Complainant or Respondent for assistance during the investigation process.

What will be included

Investigations will include interviews with the Complainant, the Respondent, and may include witnesses. If the Complainant and the Respondent agree on what happened, then the Union may not investigate any further, and will determine what corrective action may be necessary.

The investigator will also review any supporting documents, such as emails, handwritten notes, photographs.

Roles and responsibilities

The Executive Director of the Union is responsible for ensuring workplace investigation procedures are followed. Workers are expected to cooperate with investigations and provide any details of incidents they have experienced or witnessed. The President may be included as well unless it is the President who is engaging in bullying, harassing, or discriminatory behaviour.

Follow-up

The Respondent and the Complainant will be advised of the investigation findings.

Following an investigation, the Union may review and revise workplace procedures to prevent any future bullying and harassment incidents in the workplace.

Record-keeping requirements

BCFMWU expects Workers will keep written accounts of incidents to submit with formal complaints. BCFMWU will keep a written record of investigations, including the findings for the duration for compliance.

IX. Consequences

False or Malicious Complaints

If a complaint is found to be false or brought in bad faith or for malicious purposes, the Union may take disciplinary measures against the Complainant, up to and including termination of employment for just cause.

Retaliation

Any form of retaliation or discrimination against a Worker because that person initiated a complaint or because that person acted, in good faith, as a witness or participated in a complaint resolution process will be considered a violation of this Policy. Retaliation may result in discipline up to and including termination of employment for just cause.

If a Worker believes that they have been subjected to retaliation, that person may submit a written complaint to the Executive Director of the Union, who will review the complaint to ensure the allegation is appropriately addressed. Again, if the ED is involved or party to the complaint, then the President shall be involved as well.

Consequences of Disrespectful Behaviour

If it is found a Worker engaged in bullying, harassment or discrimination, whether intentional or not, appropriate disciplinary action, up to an including dismissal for just cause, will be taken against that Worker. Repeated instances of disrespectful behaviour will be considered as one of the factors in determining the appropriate level of disciplinary action.

Frivolous, Vexatious or Malicious Allegations or Complaints

Complaints of bullying, harassment and discrimination are serious matters. Workers who are found to have made a frivolous, vexatious or malicious allegation or complaint, whether formal or informal, of bullying, harassment or discrimination may be subject to disciplinary action, up to and including dismissal for just cause.

As stated in the Policy Statement above, the integrity of the process under this Policy must be protected by all Workers and, therefore, this Policy must not be utilized for any purpose other than addressing bullying, harassment, and/or discrimination.

X. Annual Review

This Policy and its procedures will be reviewed annually.

XI. Acknowledgement of Policy by All Employees Upon implementation of this Policy, or upon being hired, all Workers will be asked to confirm they have read and understand the Policy by signing a copy of the Policy. Each Worker’s signed copy will be kept in the Worker’s personnel file.

Reference copies of this Policy will also be available at each work location bulletin board and on the BCFMWU web site.

I confirm that I have read and understand this Respectful Workplace Policy:

_____ Signature of Worker
_____ Printed Name of Worker
_____ Date

Signature of Witness _____
Printed Name of Witness _____
Date of signature _____

APPENDIX A: COMPLAINT FORM

Your full name as Complainant: Name(s) of person or people alleged to have engaged in bullying, harassment and/or discrimination:

Personal statement Please describe in as much detail as possible the bullying, harassment and/or discriminatory 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

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.

Signature: _____

Printed Name: _____

Date: _____