



Workplace violence, bullying, harassment and discrimination Policy and Procedures

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1) PURPOSE

The workplace violence, bullying, harassment, and discrimination policy and procedures outline the stance taken by Le Centre culturel francophone de Vancouver “Le Centre” on violence, bullying, harassment, and discrimination in the workplace and in its dealings with service providers. The policy hereby affirms Le Centre’s commitment to prevent and to take the required steps to ensure a workplace free of violence, bullying, harassment and discrimination, and it outlines the processes in place to address violence, bullying, harassment, and discrimination.

2) SCOPE

The workplace violence, bullying, harassment and discrimination policy and procedures apply to all team members, contractors, across all hierarchical levels, and to other parties who may do business with Le Centre. The policy and procedures apply to:

- worksites;
- common areas;
- all other sites where individuals need to be as part of their engagement with the centre (for example during meetings, trainings, work-related travels, social events organized by the employer); and
- all work related interpersonal and electronic communications, such as email and any forms of social messaging.

3) DEFINITION

Occupational Health and Safety (OH&S) regulations define violence in the workplace as: “‘violence’ means the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury.” The definition of violence includes threats or behaviour which give the worker reasonable cause to believe that the worker is at risk of injury.

WorkSafeBC’s OH&S policies define ‘bullying and harassment’ as a single term which:

- a) Includes any inappropriate conduct or comment by a person towards a worker [or a service provider]¹ 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.

A ‘person’ includes a workplace party such as an employer, managers, or coworkers, or a non-workplace party such as a member of the public, a client of the Centre culturel francophone de Vancouver as well as members of the general public accessing services offered by the Centre, or participating in events organized or managed by the Centre.

Incidences of violence can occur at worksites as well as at other sites. In the case where violence occurs as a result of conducting duties and responsibilities in the course of employment, then it would be considered ‘workplace violence’.

Examples of workplace violence, bullying, harassment and discrimination

Violence includes all behaviours and actions that result in a person being abused, threatened, harassed or attacked in their workplace. Workplace violence includes the following:

- threatening behaviours such as hand gestures, material destruction, objects being thrown;
- verbal or written threats expressing an intention to hurt someone;
- insults, profanities, or condescending language; or
- physical aggression such as hitting, slapping, jamming, showing, kicking, or crushing.

Harassment manifests itself in the form of repetitive behaviors, gestures, or actions that are:

- hostile or non-desirable in nature;

¹ Addition by Le Centre

- negatively impact the dignity, the psychological or physical integrity of the employee or the contractor; and
- affect the workplace in a way that is harmful.

Bullying and harassment is a form of aggression where the events that constitute bullying and harassment may be either evident or not. Bullying and harassment is usually the result of behaviours whereby one or many incidents indicate that harassment took place.

Examples of workplace bullying include:

- Spreading of malicious rumours, gossip or insinuations.
- Social exclusion or isolation of a person.
- Intimidation of a person.
- Sabotage or destruction of someone's work.
- Physical abuse or threats of physical abuse.
- Removal of responsibility with no reasons to do so.
- Constantly changing work orders.
- Impose unreasonable work directives that result in the person failing.
- Withhold essential information or intentionally provide misleading or false information.
- Use humour with the intent of offending, verbally or by email.
- Interfering with the private life of a person without their approval, by spying or by tracking them.
- Impose excessive workload or unnecessary work for a person (which results in unnecessary stress).
- Assign an unnecessary workload - create a perception of incompetence.
- Scream or swear at someone.
- Constantly criticize a person.
- Put down the opinions of a person.
- Punish without any reasons (unwarranted).
- Refuse requests for professional development, vacation or advancement without any reasons.
- Modify personal effects or their work related equipment.

Generally, to be considered bullying and harassment, comments or behaviours need to be repetitive. However, in some cases, a single - serious - event may be considered bullying and harassment.

Workplace violence, bullying and harassment include cyberbullying, discrimination, and sexual harassment.

Cyberharassment or cyberbullying is bullying or harassment that occurs using electronic communications to harass, threaten or embarrass. This form of harassment can take the following shapes:

- Sending undesired and/or threatening emails.
- Inciting a third party to send undesired and/or threatening emails, or burden someone with an unusually large quantity of emails.

- Transmission of malware by electronic means (electronic sabotage).
- Spreading of hearsay or rumours by electronic means.
- Transmission of defamatory comments.
- Transmission of negative or inappropriate messages.
- Using someone's identity online to transmit a controversial, offensive or injurious message that results in a negative response or unfavorable reaction.
- Harassment in the course of a live online discussion.
- Recording of abusive messages, including on social media sites.
- Transmission of pornographic or otherwise offensive content.
- Creation of online content to cast someone in a negative light.

The definition of bullying and harassment includes **discriminatory harassment** related to human rights legislation applicable to our workplaces. In British Columbia, that is the BC Human Rights Tribunal and BC Human Rights Code. The right for equal treatment protects all individuals against discrimination and discriminatory harassment. Discrimination occurs when someone is treated differently and that treatment results in an adverse impact, because of that persons' personal characteristics²:

- Creed
- Citizenship
- Ancestry
- Ethnic origin
- Race
- Colour
- Sex
- Gender identity or gender expression
- Pregnancy
- Sexual orientation
- Family or marital status
- Age (except as requested by law)
- Place of origin
- Religion
- Political belief
- Physical or Mental disability or use of means to mitigate the disability
- Record of offences or convictions of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

Sexual harassment is subset of bullying and harassment and it is a form of discrimination. It is defined as any unwelcome comment or conduct based on a person's sex or of a sexual nature that may detrimentally affect the dignity or psychological integrity of the employee or contractor and negatively affect the work environment or lead to adverse job related consequences for the target. Sexual harassment can take many forms including:

² Personal characteristics can be found on the BC Human Rights Tribunal site:
<http://www.bchrt.bc.ca/human-rights-duties/characteristics.htm>

- Unwelcome physical contact, such as touching, pinching, grabbing, or light touch.
- Solicitation of sexual favours.
- Comments of a sexual nature, comments regarding a person's body or physical appearance, jokes that denigrate the sexual identity or the sexual orientation.
- Intimate personal questions.
- Leering glares directed towards the sexual areas of the body.
- Whistling.
- Posting of pornographic images.

One single - serious - occurrence can be sufficient to be deemed an occurrence of violence, bullying and harassment, or discrimination if it results in an ongoing harmful impact on the employee or the contractor.

Examples of situations not considered as violence, bullying, harassment and discrimination

Bullying and harassment is distinct from situations such as experiencing interpersonal conflicts, work-related stress, or intense or difficult working conditions. It also differs from the management or direction of team members in the place of employment.

WorkSafeBC specifies that workplace bullying and harassment should not be conflated with reasonable action taken by an employer or manager related to the management and direction of team members or the place of employment. This includes decisions related to functions, to workload, to timelines, to mutations or reorganizations, as well as the direction or work related feedback, performance evaluation, as well as disciplinary actions.

Examples of behaviours or comments that do NOT constitute violence, bullying, harassment and discrimination include:

- Holding team members accountable for their performance by giving them coaching and feedback, fair and objective performance appraisals, performance improvement/corrective action plans, or though appropriate and justifiable disciplinary action.
- Workplace conflict or expressing differences in opinion between colleagues, including the decision to limit a professional collaboration.
- Providing fair and reasonable constructive feedback or evaluation of the work completed by a co-worker or a direct report.
- Reasonable actions taken by a manager relating to the management or direction of the workforce.
- Offering support related to workplace stress management, even when the stress is high and may be linked to physical or psychological concerns.
- A manager assigning additional work of a reasonable scope and quantity to their direct reports, or requesting a team member to work overtime hours when required.

4) POLICY STATEMENT

Le Centre culturel francophone de Vancouver 'Le Centre' will not tolerate or accept any forms of violence, bullying, harassment, or discrimination within its organization. All individuals will be treated in a fair and respectful manner including:

- by managers or team leads towards employees and contractors;
- between colleagues;
- by employees or contractors towards their managers or team leaders;
- by employees or contractors towards their clients;
- by clients of 'Le Centre' towards employees and contractors; and
- by and towards all individuals who interact with them: clients, volunteers, service users, providers or guests.

All behaviours and actions pertaining to violence, bullying and harassment can result in disciplinary measures which may include termination.

Le Centre is committed to take reasonable steps to:

- provide a workplace free from violence, bullying and harassment and discrimination to protect the dignity and the physical and psychological integrity of individuals;
- make accessible the workplace violence, bullying, harassment and discrimination policy to its employees, to the guests of 'Le Centre' and to the general public by publishing this policy and procedure on 'Le Centre' website; also,
- prevent and in some cases intervene as to end violence, bullying, harassment or discrimination by:
 - a) developing workplace procedures to report violence, bullying, harassment and discrimination,
 - b) ensuring that all individuals comprehend and follow the policy, and
 - c) promoting respect between all individuals.

6) RESPONSIBILITIES AND EXPECTATIONS

Expectations and responsibilities to ensure a workplace free from violence, bullying, harassment and discrimination apply to all employees, contractors, and members of the Centre.

Responsibilities of employees, contractors and members of the Centre

All individuals engaged with the Centre will:

- Not engage in the exercise of violence, bullying, harassment, or discrimination of other employees, managers, or individual who work for the employer including volunteers;

- Not engage in the exercise of violence, bullying, harassment, or discrimination, visitors, customers, guests, clients or their legal guardians;
- Speak up and tell the individual that you find the conduct objectionable and ask them to stop their behaviour (exceptions apply when this step is not considered safe);
- Report any occurrences of bullying, harassment, and discrimination observed or experienced as per the process outlined in the next section;
- Apply and comply with the employers' policy and procedures on bullying, harassment, and discrimination.

Responsibilities of managers and team leads

As a manager or team lead you are responsible to maintain the safety of employees and contractors under your supervision and thereby, must take all reasonable action to prevent, whenever possible, or otherwise minimize violence, bullying, harassment and discrimination in the workplace. The managers and team leaders will:

- Follow all responsibility applicable to employees, contractors, and members of the Centre,
- Remind and reinforce the Centre's policy on violence, bullying, harassment and discrimination with the aim to prevent violence, bullying, harassment and discrimination at work; and
- Hear and document all reports of violence, bullying, harassment and discrimination in the workplace.

Individuals designated by 'Le Centre' in this policy³ are also required to officially receive any and all complaints, to determine if a complaint signals a breach to the workplace violence, bullying, harassment and discrimination policy and procedures and to take reasonable measure to prevent, manage all situations of violence, bullying, harassment and discrimination.

Commitment of the Centre as an employer

'Le Centre', that is, the employer representatives, will:

- Follow all responsibility applicable to employees, contractors, and members of the Centre;
- Follow all responsibility applicable to managers and team leads;
- Establish procedures, policies and a work environment to eliminate the risk of **violence** for employees and if the elimination of risk is not possible, establish procedures and policies and an work environment to minimize risks incurred by employees;
- Offer a work environments free of **bullying, harassment and discrimination** and help prevent bullying, harassment, and discrimination by:

³ The list of individuals designated by 'Le Centre', their emails and phone numbers can be found at the end of section 5) of this policy.

- not tolerating harassment whether sexual, racial, or based on any other protected grounds;
- protect individuals engaged with the Centre from discriminatory harassment through an internal system for assistance and recourse; and
- protect individuals engaged with the Centre from discriminatory harassment by individuals external to the organization during work.
- Ensure that a fair investigation to assess claims is conducted.
 - The person designated by 'Le Centre'⁴ to follow the procedure regarding a complaint is the person responsible to receive the complaint.
 - This same person will either delegate, or take responsibility to follow the procedure steps required following a complaint.

List of individuals designated by 'Le Centre'

The individuals designated by 'Le Centre' are the following:

Pierre Rivard, Directeur Général et artistique disponible
Vancouver, 604.736.9806 ou pierre.rivard@lecentreculturel.com

Monique Thibault, Présidente du Conseil d'Administration
Vancouver, 604.603.6519 ou monique.thib23@gmail.com

All individual witnessing violence, bullying, harassment or discrimination is encouraged to bring their observations to the attention of one of the aforementioned individuals. This includes 'Le Centre' volunteers, guests, customers, clients and their guardians, as well as all persons witnessing a breach to this policy.

6) PROCEDURES AND REPORTING OF COMPLAINTS

In circumstances where it is safe to do so, the individual who believes to have experienced workplace violence, bullying, harassment or discrimination should first let the person know that their behaviour needs to stop. The individual should also document the date and details of actions or behaviours as well as the steps taken in their attempt to remediate the situation. If this first intervention is not safe or not otherwise advisable or if the behaviours continue, the worker shall indicate their situation to a person designated by the employer so that the problematic behaviours be noted and addressed. The list of individuals designated by 'Le Centre', their emails and phone numbers can be found at the end of section 5) of this policy.

⁴ The list of individuals designated by 'Le Centre', their emails and phone numbers can be found at the end of section 5) of this policy.

A complaint can be formulated verbally or in writing. The behaviours observed must be described with as much detail as possible, so that an intervention can be initiated in a timely manner to cease undesirable behaviour. In some circumstances, a report or complaint can be expressed anonymously to alert the designated individuals regarding a real or perceived risk or danger. That said, to ensure a follow-up, all complaints against violence, harassment, bullying, and discrimination need to include a venue or a means of contacting the person who presented the complaint.

The following should be included in a complaint:

- The names of all individuals involved.
- If any other individuals (witnesses) were present.
- The location, the time, and date of the behaviour(s) or action(s).
- Details of the incident(s) for example behaviours, gestures and/or words used.
- Other details useful to include for context.
- Documents such as email, print screen, text messages, or any other evidence relevant to the described behaviours or actions reported.

The reception of a formal complaint by a designated individual concludes the “reporting a complaint” stage, and initiates the “processing of complaints” stage as outlined in the table in section 8).

7) PRINCIPLES OF INTERVENTION

Le Centre is committed to:

- take steps to ensure that the complaint is deal with in a timely manner;
- preserve the dignity and privacy of individuals named which include the individual who issued the complaint, the individual(s) named in the complaint, and any witnesses;
- ensure all individuals involved are treated with humanity, equity and objectivity and that appropriate support is offered;
- protect confidentiality of the intervention process, specifically related to information regarding the complaint;
- provide individuals with the opportunity to meet and deal with the situation;
- lead if advisable an objective and timely investigation, or entrust that responsibility to an external party. Individuals involved will be informed of the proceedings’ findings. in the case that an investigation does not indicate that unacceptable behaviours or actions took place, all physical documentation and proof will be held for a period of two years;
 - The individual designated by the employer ‘Le Centre’ will determine for each complaint report:
 - First, if yes or if no violence, harassment, bullying, and/or discrimination may be at play;
 - Second, if a mediation process is required or not; and/or

- Third, if an investigation is necessary.
- In the case where it is determined that an investigation was reasonable, this investigation will be initiated promptly - ideally within days or weeks following the reception of the complaint by a person designated by 'Le Centre'⁵
- An investigation will review all complaints, interviews with individuals names in the complaint, observations of behaviours relevant and mentioned in the process, all copies or electronic communications, included those that are public (on social media) and private (such as direct messages) in relations to the complaint, proof of vandalized objects; and any other documentation or information relevant or linked to the complaint so that to determine a conclusion to the investigation.
- take all reasonable measures to remediate the situation, including appropriate disciplinary measures.

Individuals who do not abide by the harassment policy will be subject to appropriate disciplinary action. The decision will consider the seriousness and impact of the behaviours or actions as well as employee files content.

An individual who expresses or spreads claims made in bad faith, as determined by the investigation, shall be subject to appropriate disciplinary action.

No retaliation by the employer shall take place as a result of workplace violence, bullying, harassment and discrimination proceedings.

8) DECISION TREE

⁵ The list of individuals designated by 'Le Centre', their emails and phone numbers can be found at the end of section 5) of this policy.

Stages of the complaint reporting process		
The signaling process	1. A breach to this policy is observed or reported to a <u>person responsible</u> such as a manager, team lead, or directly to an individual designated by 'Le Centre' ⁶ . <i>The policy breach can be brought forward as a formal or informal complaint.</i>	
	2. The policy breach is presented (verbally or in written form) <u>to one of the individuals designated by 'Le Centre'</u> . <i>In the case where a designated person is named in the complaint, the designated person that is not named must be contacted.</i>	
	3. The policy breach is received by one of the individuals designated by 'Le Centre'. <i>The designated person confirms in written form to the person who presented the allegations that they have received the complaint.</i>	
The individual designated by 'Le Centre' will determine <u>for each reporting</u> :		
<ul style="list-style-type: none"> A. If yes or non the complaint reaches the threshold of the definition of violence, bullying, harassment, and/or discrimination; B. If a mediation process is advisable; and C. If yes or no an investigation is required. 		
Decision fork: Is an investigation required?		
	<p style="text-align: center;">Yes</p> <p style="text-align: center;">The investigation begins promptly.</p>	<p style="text-align: center;">No↓</p>
After a complaint has been receptioned	In the case where the designated individual decides an investigation is required , this person will also determine if it is reasonable that they themselves lead this investigation, or if it is advisable that they delegate to another person, and in some cases, to an external party.	In the case where the designated individual determines that an investigation is not required ; no investigation will be initiated.
	All individuals directly named in the complaint are offered an opportunity to respond to the allegations described in the complaint in an interview and in written form.	
	An investigation report is developed and presents a finding based on balance of probabilities.	All individuals named and directly involved are informed that no investigation will take place.
	Individuals named and directly involved are informed of the fact that the investigation has come to an end.	

⁶ The list of individuals designated by 'Le Centre', their emails and phone numbers can be found at the end of section 5) of this policy.

While honouring the limits of confidentiality and the integrity of any investigation, an opportunity to ask questions to the person designated by 'Le Centre' will be made available upon request and on a case by case basis, to individuals involved.

By signing herebelow, I _____ (first and last name) confirm I have read and understand the workplace violence, bullying, harassment, and discrimination policy and procedure in effect at le Centre culturel francophone de Vancouver 'Le Centre'. I commit to abiding by the responsibilities and expectations listed in the policy applicable to my current position for the length of my engagement with 'Le Centre'. Although my position may change from time to time, due to role changes or other factors, I understand that my responsibilities towards this policy are continuous and can evolve consequently.

Employee signature
Centre culturel francophone de Vancouver

Date signed

After having discussed the matter with their employer, a person who believes to have experienced workplace violence, bullying, harassment or discrimination may place a complaint with WorkSafeBC directly. A complaint can be filed up to one year after its last occurrence. A complaint can be filed online (<https://www.worksafebc.com/en/about-us/fairness-privacy/fair-practices-office/raise-issue-complaint>) or by phone 604.276.3053 or 1.800.335.9330.

Translation services are also available through the following resources:

- WorkSafeBC Prevention Information Line: 1.888.621.7233
- Employers' Advisers Office www.labour.gov.bc.ca/eao/
1.800.925.2233
- Workers' Advisers Office www.labour.gov.bc.ca/wab/
1.800.663.4261