



ADMINISTRATIVE MANUAL

Policy & Procedure

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| TITLE: Respectful Workplace – Harassment & Bullying | NUMBER: 822 |
| Sponsor: VP People & Organization Development | Page: 1 of 14 |
| Approved by: VP People & Organization Development | Approval Date: April, 2016 Effective Date: April, 2016 |
| Applies To: IWK Health Centre Employees, Physicians, Contractors, Volunteers, Researchers, Learners, Board Members, and Franchise Employee (herein referred to as <i>IWK Team</i> or individually as <i>IWK Team Member</i>) | |

***Please refer to Policy #1071.1 *Respectful Workplace – Violence* for direction on dealing with violence in the workplace.**

TABLE OF CONTENTS

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|---|----|
| TABLE OF CONTENTS..... | 1 |
| POLICY STATEMENTS..... | 2 |
| GUIDING PRINCIPLES AND VALUES..... | 2 |
| Responsibilities..... | 3 |
| PROCEDURE AND GUIDELINES..... | 4 |
| Informal Resolution..... | 4 |
| Written Complaint..... | 5 |
| Investigation Outcome..... | 6 |
| REFERENCES..... | 7 |
| RELATED DOCUMENTS..... | 7 |
| APPENDICES..... | 8 |
| Appendix A – Definitions..... | 9 |
| Appendix B – IWK Respectful Workplace Complaint Process Flow Chart..... | 13 |
| Appendix C – IWK Code of Conduct..... | 14 |

POLICY STATEMENTS

The IWK Health Centre is committed to enhancing the work-life and relationships of the members of the IWK Team. To fulfill this commitment, the IWK Health Centre will work in collaboration with IWK Team Members to provide a safe, healthy and supportive work environment - a work environment that values diversity and where all persons are treated with respect and dignity. The IWK Health Centre recognizes that this is a shared responsibility, and will encourage cooperation with the IWK Team in achieving this commitment.

It is the commitment of the leadership of the IWK Health Centre that members of the IWK Team have the right to equal treatment without discrimination and to be free from harassment, bullying and discrimination (offensive behaviour) in the workplace. In accordance with applicable law, the IWK Health Centre prohibits harassment because of race, color, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or gender, or any other basis.

Should an act of offensive or disrespectful behaviour or harassment involve an IWK employee, the incident will be reviewed by an appropriate party as outlined in this policy. Incidents involving members of the IWK Team who are not IWK employees will be reviewed by Human Resources and directed toward the respective employer and/or accountable body.

The purpose of the policy is:

To establish an atmosphere of shared responsibility and cooperation in maintaining a positive work environment free from all forms of offensive or disrespectful behaviour.

- To create a common understanding as to what is considered offensive or disrespectful behaviour.
- To clearly state procedures to achieve prompt resolution in all instances of alleged offensive or disrespectful behaviour.
- To comply with the requirements of the *Nova Scotia Human Rights Act*.

Safety First - an IWK Team Member faced with offensive or disrespectful behaviour that is or has the potential to become violent should exercise extreme caution, make oneself safe, and must refer to protocols as outlined in the *Respectful Workplace-Violence* policy #1071.1.

GUIDING PRINCIPLES AND VALUES

As members of the IWK Health Centre, we are all committed to the vision, mission, and core values & beliefs of the organization. This includes being accountable for our relationships, decisions and actions, as well as creating a supportive work environment that values and respects all members of our team and promotes awareness, prevention, and prompt resolution of offensive behaviour.

All individuals/stakeholders within the Health Centre will maintain an environment that is supportive of the safety, dignity and self-esteem of every person. Conduct that undermines these rights is unacceptable and will not be tolerated. Such behaviour is a violation of this policy and corrective action will be taken to remedy the violation.

What is not offensive or disrespectful behaviour?

- **Consensual banter or relationships:** Two or more the IWK Team teasing or joking back and forth is not harassment if everyone involved, including bystanders, is in agreement. The IWK Team Member becoming involved in a personal relationship is not harassment as long as the relationship is consensual.
- **Legitimate management intervention:** Appropriate performance discussions or reviews, counselling, or discipline are not harassment.

Responsibilities

Management / Physician Department Heads are responsible for:

- Treating all persons with respect and dignity as per the IWK's Code of Conduct, and setting a positive example
- Taking steps to create an environment free from offensive or disrespectful behaviour
- Providing team members with opportunities to learn and understand Respectful Workplace
- Taking action to protect team members and others from offensive or disrespectful behaviour
- Responding to and investigating allegations of offensive or disrespectful behaviour in a timely manner
- Acting in a coaching and advisory capacity to team members on how to initiate the IWK Respectful Workplace process or the process by way of the relevant governing bylaws
- Implementing appropriate corrective action and supports
- Participating in the evaluation of the effectiveness of this policy

IWK Team Member is responsible for:

- Treating all persons with respect and dignity as per the IWK's Code of Conduct
- Learning how to constructively and respectfully address offensive or disrespectful behaviour
- Taking appropriate action to ensure offensive or disrespectful behaviour is not tolerated or condoned either as recipient of or witness to this behaviour
- Participating in the evaluation of the effectiveness of this policy
- Acting in a supportive capacity where appropriate

Human Resources is responsible for:

- Treating all persons with respect and dignity and setting a positive example
- Acting in a coaching and advisory capacity to team members and management on issues of offensive or disrespectful behaviour and the application of this policy
- Leading the ongoing evaluation of the effectiveness of this policy and making recommendations for changes as necessary

- Coordinating investigations by Respectful Workplace Investigators and/or directing parties to the appropriate Employers or accountable bodies
- Assisting Management on follow-up on employee related matters

Unions are responsible for:

- Fostering respectful behaviour in the workplace
- Representing bargaining unit members, whether they are a Complainant or a Respondent

PROCEDURE / GUIDELINES

If an individual is unsure whether they have experienced offensive or disrespectful behaviour, they are encouraged to obtain guidance from one of the following within a reasonable length of time: Respectful Workplace Line, department manager, union representative (if applicable), Human Resources, Occupational Health, Safety & Wellness, or other Health Centre manager.

1. Informal Resolution

There are multiple mechanisms by which concerns regarding offensive or disrespectful behaviour can be addressed outside of a more formal (written) complaint/investigation process. Whether any of the options listed below are appropriate will depend on the situation.

Some options for informal resolution include but are not limited to:

- **Direct Communication**

The IWK Team member faced with offensive or disrespectful behaviour is encouraged, if reasonable, comfortable, and safe, to make a direct request of the individual(s) concerned that the behaviour stop immediately. Bringing concerns forward immediately and directly will often address the matter quickly and is one of the most effective methods to help the individual understand why the behaviour is offensive. Often a person is not aware of the impact the behaviour. Most people will change the behaviour once made aware of the concern.

It is recognized that discussing incidents of offensive or disrespectful behaviour with people other than those directly involved, except for the purpose of consultation, is counterproductive to maintaining a healthy work environment.

- **Respectful Workplace Line (902-470-7340)**

The Respectful Workplace Line may be used when employees have experienced offensive or disrespectful behaviour, or if they are unsure whether they have experienced or witnessed such behaviour. The caller will speak with a trained third party counselor to receive advice on how best to handle the concern. Consultation may include tips on how to have direct communication noted above, so the person may wish to call the Respectful Workplace Line first. An IWK Team Member has the ability to bring forward information anonymously with the assistance of the counselor. Anonymous declarations are submitted to the Respectful Workplace email (RespectfulWorkplace@iwk.nshealth.ca). Calls to the Respectful Workplace Line are appropriate any time employees have questions or concerns regarding appropriate conduct in the workplace.

- **Management / Physician Department Head Involvement**

This may include but is not limited to coaching, facilitation/mediation, setting and confirming expectations, clarification of obligations, providing cautions, and the introduction of certain rules, procedures and guidelines. An employee may contact his/her direct Manager if appropriate.

- **Human Resources Involvement**

This may include but is not limited to coaching, facilitation/mediation, the provision of certain education and information sharing sessions, reinforcement of standards and expectations and providing cautions. An employee can either visit or call the HR main office (902-470-8012) for appropriate direction.

- **Facilitation/Mediation**

This option is facilitated through Human Resources in consultation with reporting Manager. A neutral third party will meet with the two parties (separately and/or together) in an attempt to resolve the concerns and to build agreement on how interactions will occur into the future. The focus is on rebuilding the relationship and not on finding fault of either party.

2. **Written Complaint**

If the concern was not able to be resolved through the informal process, the individual who has experienced the concern is to complete a written complaint. All investigations will be overseen by the Respectful Workplace Team, which is made up of members of Human Resources and Respectful Workplace Investigators. A complaint is treated in a fair, objective manner and will be kept confidential to the extent possible. The Respectful Workplace Team has the responsibility to ensure that all aspects of the complaint process are appropriately handled and will determine the best approach based on the facts of the situation.

- Written complaints are to be completed on the *Respectful Workplace Incident Form* (available on Pulse under All Depts/Serv, Respectful Workplace Line) and submitted to the Director, People & Organization Development through the Respectful Workplace email detailing the incident(s) with any supporting evidence included. Written complaints must be signed by the Complainant.

Individuals filing a written complaint must do so in good faith and have reasonable grounds for the complaint. The IWK does not condone false allegations of harassment. If it is concluded that the complaint was made maliciously or in bad faith with specific and direct intent to harm, formal disciplinary action will be taken against the Complainant and a record of the incident will be placed in his/her file.

- An appropriate Respectful Workplace Investigator or team of investigators will be assigned by the Director of People and Organization Development to conduct an investigation. All investigations will be completed in accordance with the *Respectful Workplace Investigation Guidelines*. The role of the Investigators is to ensure that complaints are investigated as thoroughly and expeditiously as possible. All disclosures made under this policy, whether from the Complainant, Respondent, or witnesses, will be dealt with in a manner respecting the individual's

need and expectation of confidentiality in so far as the law allows however, anonymity is not guaranteed in this process.

- A preliminary assessment of the complaint will be conducted by the assigned Respectful Workplace investigators. When possible, depending on the nature of the issue, efforts will be made to resolve the complaint at this stage prior to moving to a formal investigation. If an informal resolution is not possible the complaint will be escalated and a formal investigation will be conducted.

Every attempt will be made to complete investigations on a timely basis. All parties involved in the investigation will be informed of the status on a regular basis as it proceeds by an Investigator. The final report of findings will be forwarded to Vice President, People and Organization Development for review and informing the parties of the outcome.

3. Investigation Outcome

When the results of an investigation are founded, or when the results suggest the existence of a systemic problem(s) in the work environment that caused or contributed to the incident, the following remedial actions may result:

- education and training;
- mediation;
- continuous monitoring;
- review/modification of policies, procedures, and practices;
- disciplinary action up to and including dismissal.

All parties will be notified of the findings by the Vice President, People & Organization Development. The details and results of the investigation are of a confidential matter between the Employer, Complainant and Respondent. The information must be kept confidential and not communicated to any third party except where the law allows.

The Vice President, People & Organization Development in consultation with the Respondent's manager and Human Resources will make recommendations on necessary interventions and ensure the appropriate action and support is implemented in an expedient manner.

When an investigation reveals a violation of the Respectful Workplace Policy occurred, the incident and the discipline imposed will be recorded in the Respondent's employee file. Decisions on the level of discipline imposed and remedial action will be discussed and decided by the Manager, in consultation with Human Resources and the Director of the Respondent. This may include, but is not limited to, filing a formal complaint to the applicable professional licensing body, Workers Compensation Board, police, etc.

Where the results of the investigation are unfounded, the investigation will be considered closed. No record of the complaint shall be made on the employee files of the respondent or complainant.

The investigation file will remain open for a period of three months to allow for monitoring of the actions to be taken. Documentation of investigations will be retained by Human Resources for a period of seven years.

If found to have engaged in unlawful harassment, the respondent may be held personally liable for monetary damages. The Health Centre will not be responsible to pay any damages assessed personally against an IWK Team member.

Workplace Assessments

In certain circumstances, a Workplace Assessment may be conducted to assess the team dynamics of a work area. Supported through Human Resources, the workplace assessment identifies prevalent issues and provides recommendations for appropriate team interventions.

Protection from Retaliation

Retaliation is considered a serious disciplinary breach. Any acts of retaliation are to be reported to the person's immediate manager or Human Resources Consultant.

Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation, or been found to have been in breach of policy, will themselves be considered to have been in breach of policy and disciplined accordingly up to an including termination of employment.

REFERENCES

Government of Nova Scotia Respectful Workplace Policy
OP3 Nova Scotia Policy Site
Nova Scotia Human Rights Act
Criminal Code of Canada
College of Licensed Practical Nurses of Nova Scotia
IWK Code of Conduct
IWK Administrative Investigation Guidelines
IWK Respectful Workplace Program
Canadian Centre of Occupational Health & Safety
National Standard of Canada: Psychological Health and Safety in the Workplace
EverydayPsychology.com
COACH, Canada's Health Informatics Association, 2009

RELATED DOCUMENTS

Policies

| | |
|-------|-----------------------|
| 116.0 | Discipline |
| 135.0 | Conflicts of Interest |
| 315.1 | Internet Access |
| 320.1 | Confidentiality |

1071.1 Respectful Workplace-Violence

Forms

IWK Respectful Workplace Complaint Form

Brochures

Employee Respectful Workplace Pamphlet

EFAP Information Pamphlet

APPENDICES

Appendix A – Definitions

Appendix B – IWK Respectful Workplace Complaint Process Flow Chart

Appendix C – IWK Code of Conduct

Appendix A – Definitions

Anonymous declaration:

A statement regarding information about an alleged concern submitted with name or names withheld.

Apology:

An expression of sympathy or regret, a statement that one is sorry with the overall purpose to restore broken relationships. A successful apology requires:

- an adequate acknowledgement of the event/situation;
- an expression of genuine remorse;
- delivery in a timely manner;
- an offer of appropriate reparations – how you are going to improve the situation/next steps;
- a commitment to make changes to prevent such events in the future.

Bad faith complaint:

A complaint that is malicious in nature and/or has no merit. A bad faith complaint may result in disciplinary action against the Complainant.

Bullying:

Bullying is an act of aggression that involves physical and/or psychological abuse initiated by an individual or group that targets one or more individuals. Bullying is deliberate, repeated, vindictive and disrespectful and/or offensive, and it is designed to victimize through humiliation, intimidation and disempowerment.

Civility:

Polite and considerate behaviour towards others.

Code of Conduct (IWK):

The IWK Code of Conduct is a guide which defines and provides direction on relevant professional and personal standards, which should be characterized by the highest sense of ethical integrity and humanistic values. See *IWK Code of Conduct*.

Complainant:

The person who has brought forward or filed a complaint under this policy, alleging that offensive or disrespectful behaviour has occurred.

Confidentiality:

The property that information is not made available, or disclosed to unauthorized individuals entities, or processes in so far as the law allows.

Discrimination:

Discrimination as legislated under the *Nova Scotia Human Rights Act*. For the purpose of this Act, a person discriminates where the person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, referred to in clauses (h) to (v) of subsection (1) of Section 5 that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of

individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society. 1991, c. 12, s. 1.

Disrespectful Behaviour:

Intentional and/or unintentional behaviour towards others that is undesirable, offensive, unsuitable or improper. The behaviour may be written, verbal or electronic. It is also described as the assertion of power through aggression. Such behaviour may be found to have taken place at the workplace or elsewhere in the course of employment responsibilities such as social events, during travel, or off-site meetings.

Harassment:

A course of behaviour that is offensive or disrespectful towards others and/or is known, or ought to reasonably be known, to be harmful or hurtful. Examples include, but are not limited to:

- Written or verbal abuse or threats
- Suggestive staring or other offensive gestures
- Patronizing or condescending behaviour
- Humiliating in front of others
- Abuse of authority that undermines someone's performance or threatens her or his career
- Bullying (see definition)
- Passive-aggressive behaviour (indirect expression of hostility)
- Purposeful exclusion of others

Whether it involves an isolated act or a series of incidents, workplace harassment can be manifested by:

- lack of respect for a person's dignity, self-esteem, comfort or privacy;
- threats, blackmail, intimidation or favouritism on the part of a person in authority when involved in activities such as: the distribution of work assignments, enrolment in training programs, recommendation for promotions, preparation of performance appraisals, and provision of references;
- unwanted observations or comments about a person's appearance, age, race, religion, disability or mental health status;
- vulgar and sexist speech, or slander concerning the moral reputation of a person;
- unwelcome invitations and requests;
- jokes with a double meaning that cause awkwardness or embarrassment;
- display and projection of pornographic material;
- unnecessary physical contact, such as touching, caressing or pinching;
- visual conduct: suggestive staring or other gestures;
- any form of physical aggression;
- making or threatening reprisals after a negative response to sexual advances

Informal Resolution:

A mechanism by which concerns regarding offensive or disrespectful behaviour are addressed outside of a more formal (written) complaint/investigation process. This

includes, but is not limited to, direct communication with the complainant, Manager and/or HR involvement, and consultation using the Respectful Workplace Hotline.

IWK:

All facilities, building, properties, and programs associated with the IWK Health Centre.

IWK Employee:

A person who is appointed, employed, and directly paid by the IWK Health Centre including all Casual, Temporary and Permanent (both part-time and full-time) employees.

IWK Team Member:

Any employee, physician, volunteer, learner, board member, contractor, contract worker, franchise employee, and any other individual performing work activities within the IWK. Collectively known as the **IWK Team**.

Management:

Persons holding formal leadership positions. They may have a title like Supervisor, Manager, Director, Vice President, CEO, and Physician Leader (Department Head, Division Head and other formal leaders.)

Mediation:

A voluntary process used to resolve conflict by having a neutral person help the parties to the dispute attempt to arrive at a mutually acceptable solution. Both parties have to agree to mediation in order for the process to begin.

Psychological Safety

The absence of harm and/or threat of harm to mental well-being that the IWK Team might experience.

Psychologically Healthy and Safe Workplace

A workplace that promotes the IWK Team' psychological well-being and actively works to prevent harm to worker psychological health including in negligent, reckless, or intentional ways.

Respectful Workplace:

A workplace that is healthy, safe and supportive and values diversity. It is a place where team members are valued, communication is polite and courteous, people are treated with respect and civility, conflict is addressed in a constructive and respectful manner, and offensive or disrespectful behaviour is addressed. See *IWK's Code of Conduct*.

Respectful Workplace Team:

A team of Investigators who are trained individuals appointed by Human Resources to investigate facts related to complaints under this policy and make a determination of whether or not the policy was breached.

Respondent:

The person against whom allegations of offensive or disrespectful behaviour are made.

Retaliation:

Retaliation is any action with a negative impact taken, threatened, or suggested against a person in whole or in part because that person:

- files a complaint pursuant to this policy; or
- has been named as a respondent or witness in the complaint; or
- who investigates the complaint pursuant to this policy; or
- associates with the person who filed a complaint pursuant to this policy; or
- participates in any way in an investigation of a complaint pursuant to this policy.

Sexual Harassment:

Offensive or humiliating behaviour that is related to a person's sex/gender, as well as behaviour of a sexual nature that creates an intimidating, hostile, or psychologically unsafe work environment. Sexual harassment usually occurs repeatedly, but can also be one incident.

Witnesses:

Person(s) who have observed, or have information related to, an incident of disrespectful behaviour that would help inform a Respectful Workplace Investigation.

Workplace:

Any place where a the IWK Team is or is likely to be engaged in any occupation and includes, but is not limited to, the physical work site, washrooms, cafeterias, training sessions, business travel, conferences, work-related social functions, locker rooms, vehicles, etc. It also includes any workplace event where actions of the IWK Team, whether on duty or not, will have such serious repercussions on the work environment as to seriously affect work relationships between the IWK Team.

Workplace Violence:

Any threatening statements or threatening behaviours which occur at the workplace that gives an individual reasonable cause to believe he/she is at risk of injury. This includes conduct of a person that endangers, or attempts to endanger, the health or safety of an employee. See *IWK Policy #1071.1 Respectful Workplace-Violence.*

Written Complaint:

A complaint of offensive or disrespectful behaviour submitted in written form under the Respectful Workplace process. Submission of a written complaint may initiate the Respectful Workplace investigation process. (See Form on Pulse under All Depts/Serv, Respectful Workplace Line)

Appendix B – IWK Respectful Workplace (RW) Flow Map



Appendix C – IWK Code of Conduct

[IWK Code of Conduct](#)

District Health Authority/IWK Policies Being Replaced

Version History

(To Be Completed by the Policy Office)

| Major Revisions (e.g. Standard 4 year review) | Minor Revisions (e.g. spelling correction, wording changes, etc.) |
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| April 2016 | |
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