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Approved by: PEC  
Administrative Responsibility: Command

## **Branches with the Legion BC/Yukon Command Workplace Bullying and Harassment Policy**

Branches within the Legion BC/Yukon Command are committed to maintaining a work environment free of discrimination, sexual harassment and harassment and bullying. All employees are expected to conduct themselves accordingly.

### **Anti-Bullying and Harassment**

Branches within the Legion BC/Yukon Command will not tolerate harassment or bullying of its employees by supervisors, co-workers or others; nor will harassment or bullying of non-employees by any employee of the Branches be condoned. All workers will be treated in a fair and respectful manner. Additional resources and an explanation of legal duties can be found on the WorkSafe BC website [www.worksafebc.com/bullying/](http://www.worksafebc.com/bullying/).

Harassment and/or bullying by an employee are serious forms of misconduct for which an employee may be disciplined, up to and including termination of employment. No retaliation or reprisals will be tolerated against any individual who, in good faith, complains of, reports or participates in the investigation of any incident of alleged harassment or bullying. However, confirmed instances of an employee or supervisor making false claims, allegations or statements may result in disciplinary action.

This policy excludes any reasonable action taken by an employee or supervisor relating to the management and direction of employees in their place of employment.

### **Responsibility of the employer:**

- Create a culture with standards and values against bullying and harassment
- Develop a workplace anti-bullying and harassment policy and take steps to prevent, where possible, or otherwise minimize, workplace bullying and harassment
- Develop reporting and investigation processes
- Train supervisors to recognize the potential for bullying and harassment and deal with issues
- Inform all staff of the policy, and ensure that education is included in orientation of new staff

### **Responsibility of supervisors/managers:**

- Not engage in bullying and harassment of workers, other supervisors or persons acting on behalf of the employer
- Enforce the anti-bullying and harassment policy
- Consult with external HR/Legal professional as required

- Take all complaints seriously and ensure a thorough investigation is completed promptly
- Monitor staff behaviors and deal with inappropriate behaviors promptly

### **Responsibility of workers:**

- Not engage in bullying and harassment of other workers, supervisors or persons acting on behalf of the employer (ex. volunteers), or Legion Members with whom the employee may interact with.
- Report bullying and harassment if observed or experienced in the workplace
- Apply and comply with the employer's policies and procedures on bullying and harassment
- Complete the anti-bullying and harassment training

### **Definitions**

**Sexual harassment** refers to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission to such conduct is made either an explicit or implicit term or condition of employment; Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed employee; or
- b) Such conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.
- c) Unwanted touching, obscene humor, suggestive comments, persistent and unwelcome flirtation or displayed materials, whether oral, written, printed or graphically depicted may be considered sexual harassment under this policy. "Unwelcome" or "unwanted" conduct includes conduct that is of such a nature that it would be reasonable to assume it is unwelcome or unwanted.

**Discriminatory harassment** may take the form of verbal or physical conduct, including statements or written or displayed materials directed against any person on the basis of that person's race, colour, religion, ancestry, place of origin, marital status, family status, physical or mental disability, physical characteristics, sex, sexual orientation, age or conviction for a criminal or summary conviction offence that is unrelated to employment.

**Bullying and harassment** includes 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 excludes any reasonable action taken by an employer or manager related to the management and direction of employees in the place of business.

For clarity 'Harassment and Bullying in the Workplace' means any conduct, comment, display, action, or gesture that adversely affects a worker's psychological or physical well-being, or the actor knew or reasonably ought to have known would cause a worker to be humiliated or intimidated. It includes the act of intentionally causing harm through verbal harassment, intimidation or other more subtle methods of coercion such as manipulation, including ignoring and isolating a person.

## **Procedure**

Employees are encouraged to resolve single unprofessional incidents of bullying or harassment using an informal/conciliatory approach. It is important to understand that silence does not mean acceptance, therefore all conversations must remain to a professional standard. An employee/member may not intend or even recognize that their behavior or comments are inappropriate or offensive. Asking a bully to “stop” or bringing the inappropriate behavior to their attention during a one-on-one informal conversation may resolve the issue.

If an employee has tried an informal/conciliatory approach to remedy harassment or bullying in the workplace and the conduct or behavior persists or if an incident is severe and the employee is not comfortable trying an informal/conciliatory approach, then the employee should report the incident immediately to their supervisor and/or branch president. If the branch president is the employee’s supervisor and is the bully, the employee should report the incident to any member of the executive, who must then report the allegation to BC/Yukon Command within 7 days. At this stage employees are encouraged to put the details of their allegations in writing.

An employee may also report and document the incident to WorkSafe BC within one year of the incident.

An internal or external representative or investigator may be appointed to conduct a prompt, fair and confidential investigation. The investigator could be a Legion member or executive member, as long as they have no prior knowledge of the situation and can be impartial. All persons involved, including the complainant and the respondent, will be instructed to keep the complaint and any information discussed in the investigation strictly confidential. Any breach of this commitment to confidentiality may be grounds for disciplinary action up to and including dismissal.

During the investigative process the following steps will be incorporated:

- A letter goes to the complainant to advise them that an investigation will be conducted and they are to maintain confidentiality.
- A letter goes to the person being complained about to advise them that an investigation will be conducted and that they are to maintain confidentiality and have no contact with the employee.
- The Branch will conduct a WorkSafe investigation as per the WorkSafe BC Workplace Bullying and Harassment Investigations Guide. The guide can be found [here](#) or on the branch corner of the Command website.
- At any time, the parties may agree to mediate their differences and/or withdraw the complaint.
- Any notes, reports, records and information gathered during the investigation will be treated as confidential, with disclosure limited to those individuals directly involved with the investigation or harassment claim.
- If it is determined that a criminal offence may have been committed, the appropriate public authorities will be advised.

## **Conclusion of Investigation**

If the investigation confirms that harassment has occurred, disciplinary or other action may be taken as follows

**Employee - Employee Harassment or Employee – Legion Member Harassment**  
- Disciplinary action may include reprimand, suspension, reassignment, transfer or withholding of promotion or dismissal. Other actions may include participation in training, education, counselling or other activities.

**Legion Member – Employee Harassment**

At the conclusion of an investigation, if bullying and harassment of an employee is found to have occurred by a Legion member, the investigator or any Legion member with knowledge of the situation can lay an Article III complaint against the member. The Article III complaint process must be followed. For more information on the complaint process see Article III of the General By-laws and/or contact BC/Yukon Command office.

In either case, if a branch is aware of circumstances that present a risk of workplace bullying and harassment, or, if workplace bullying and harassment is found to have occurred, the branch can implement any or all of the following reconciliatory and preventative measures:

- Respectful Workplace Training for employees, volunteers and executive members. BC/Yukon Command has a presentation available for branch use.
- Limit contact between the bully and complainant.
- Engage a third party mediator for conflict resolution.

At the conclusion of an investigation, regardless of the outcome, the representative or investigator will meet again with the complainant, advising that the investigation has been completed, what conclusions were reached and whether any action has been taken, as a result.

- In addition, the no retaliation or reprisal on the complainant will be tolerated.

If an employee wishes to appeal the decision or action taken by BC/Yukon Command or the Branch they can submit this appeal to WorkSafe BC.

**Application**

This policy statement applies to all workers, including permanent, temporary, casual, contract, and student workers. It also applies to situations (clarified in aforementioned sections) in which incidents occur between an employee and a Legion member. It also applies to interpersonal and electronic communications, such as email.

Failure to comply with this policy can result in WorkSafe BC imposing fines, rate increases and in severe situations may result in closure of the branch.

**Annual review**

This policy statement will be reviewed every year. All workers will be provided with a copy.

**Approved at Fall 2020 PEC**

<b>Date created</b> December 2017, Reviewed October 2022	<b>Annual review date</b> October 2023
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