

Category: Corporate Human Resources Policy	
Title: RESOLUTION OF RESPECTFUL WORKPLACE AND HUMAN RIGHTS ISSUES	Reference Number: HR_004
Approved by: PHSA Senior Executive Team PHSA Board of Directors	Last Approved: November 8, 2010 Last Reviewed: March 28, 2011

1.0 Policy Purpose

- a) To promote and maintain a work environment in which all persons are treated with respect and dignity, and that is free from discrimination and harassment.
- b) Encourage timely resolution of disrespectful conduct through collaborative conversation(s).
- c) Provide formal resolution processes where collaborative conversations do not resolve the disrespectful conduct or discrimination.

2.0 Policy Statement and Scope

Mutual respect and a discrimination free workplace are values and priorities of Provincial Health Services Authority. The benefits of a respectful workplace include positive patient/client experience, greater job satisfaction and higher productivity. PHSA is committed to putting the interests of patients and clients first, demonstrating personal and professional integrity, promoting an ethical environment and striving for professional excellence. All persons associated with Provincial Health Services Authority are accountable for their own conduct and must conduct themselves in a civil, respectful, cooperative and non-discriminatory manner at the workplace and at work-related gatherings. PHSA has zero-tolerance for disrespectful and disruptive behaviour, discrimination and harassment.

Provincial Health Services Authority has the right to investigate incident(s), with or without the person's consent, where there are concerns about the alleged disrespectful conduct or discrimination and the impact of such conduct on maintaining a respectful workplace.

Person(s) includes all employees (excluded and unionized), students, medical staff, dentists, researchers, physicians, residents, fellows, volunteers, executives, contractors, suppliers, employees of academic institutions, visitors, clients, patients, residents and families.

3.0 Definitions of Disrespectful Conduct and Discrimination

Disrespectful Conduct includes inappropriate behaviour, bullying or harassment directed against another person that a reasonable person knows, or ought to know, would cause offence, humiliation, or intimidation.

Discrimination is comments or conduct that would constitute a breach of the BC Human Rights Code. The BC Human Rights Code contains protected categories including race; colour; ancestry; place of origin; religion; marital status; family status; physical or mental disability; political belief; sex (including sexual harassment); sexual orientation; or, age of that person. Gender identity is a protected category for this policy.

Note: In cases where an employee is seeking an accommodation based on physical or mental disability, he/she should speak to their Leader or contact Disability Management for assistance.

Examples:

<i>Respectful Conduct</i>	<i>Disrespectful Conduct</i>	<i>Sexual Harassment</i>
<ul style="list-style-type: none"> • Managing job performance in a respectful manner • Expressing disagreement in a professional manner • Engaging in good faith differences of opinion • Reporting concerns about competence or conduct of regulated professionals • Working collaboratively with others 	<ul style="list-style-type: none"> • Misuse of power such as reprimanding in front of others • Profanity, name calling, yelling, abusive language • Verbal or physical threats or contact • Gestures that are demeaning or belittling causing personal humiliation • Gossip or rumor mongering • Purposefully ignoring questions or requests from colleagues, or withholding information • Writing a malicious or inappropriate comment(s), note(s) or other in medical records. 	<ul style="list-style-type: none"> • Unwelcome remarks, jokes, innuendo about a person's body, sex, or sexual orientation including sexist comments or sexual invitations. • Display of pornographic or other sexual materials. • Unwanted physical contact such as touching, pinching or hugging. • Sexual advances with actual or implied work related consequences.

4.0 Process for Resolving Disrespectful Conduct and Discrimination in the Workplace

If you believe you have a complaint about disrespectful conduct or discrimination, there are steps you can take to resolve the issues.

You can seek the assistance of your Leader / designate, a Human Resources Consultant (HR Consultant), Union Steward or Physician colleague at any point in the resolution and/or complaint process.

If the alleged disrespectful conduct or discrimination is between you (i.e., complainant) and your leader and you are unable to have the conversation then you have the option to contact your Leader's Supervisor or Medical Department Head who may refer the issues to Step #1 or Step #2.

You may wish to maintain a written personal record of the dates and steps taken to resolve the issue.

Step # 1 – Resolution (Informal Conversation):

If you experience disrespectful conduct or discrimination you are encouraged to have cooperative conversation(s) with the other person(s) to clarify and resolve the concerns. The earlier the problem is addressed and discussed, the better chance of it being resolved and the inappropriate behaviour stopped.

Suggestions to Support a Successful Conversation between Persons:

- ✓ **Plan:** In advance of your conversation with the other person, think about what you want to communicate. For example you could say, "When you said *this*, I felt ...".

- ✓ **Relax:** This is an opportunity for conversation, not confrontation. Choose a quiet setting and work together to seek clarity on conduct. Sit in a welcoming manner (i.e., try not to cross your arms) and make eye contact (i.e., connect in a respectful manner). A relaxed body language, calm tone of voice, and positive attitude can influence the outcome of any conversation.
- ✓ **Speak slowly and clearly:** Thank the other for agreeing to discuss the issue. Identify the specific behaviour with examples. Speak calmly in a non-blaming tone and take turns.
- ✓ **Listen carefully:** Take time to check your understanding of what has been said, ask questions to clarify what the other person means, confirm what has been relayed (i.e., sometimes what we hear can be different from what is being said).
- ✓ **Stay focused on how to resolve the issue.** Identify preferred solutions and be open to other options to resolve the issue. Confirm what was agreed upon and thank the other for their willingness to resolve the issue.

Step #2 – Resolution (Leader / Designate Involvement):

If there is no resolution under Step 1, and you continue to seek resolution, go to your Leader / Designate and / or HR Consultant with the concern(s). If one or both of the persons involved are physicians, the matter should also be referred to the Medical Department Head for resolution. The goal is to understand and resolve the issue so that all persons conduct themselves in a civil, respectful and cooperative manner.

Steps your Leader/Designate (typically Supervisor) or Medical Department Head will take to facilitate resolution may include:

- ✓ meeting separately with each person involved in the complaint to review the concern;
- ✓ meeting together with all persons to facilitate a conversation aimed at understanding and resolving the issue;
- ✓ reviewing policies with persons and reinforcing expectations of respectful conduct;
- ✓ seeking commitments from persons that they will conduct themselves in a respectful manner;
- ✓ providing feedback to the individuals after the meeting;
- ✓ following-up where appropriate with persons after the resolution process to ask whether commitments to respect are being adhered to; and/or,
- ✓ recording steps taken in the resolution process.

Step #3 – Resolution (Formal):

If there is no resolution under Steps 1 and 2, and you (i.e. complainant) continue to seek resolution, then you will need to file a written complaint to your Leader, Medical Department Head or HR Consultant. You are required to include the following information in the complaint:

- ✓ Describe the specific incident(s) that have led to the filing of this complaint – if there is more than one, number them. Include the following information:
 - When did the incident(s) occur? (e.g., date)
 - Who are the person(s) (i.e. respondents) who allegedly committed the disrespectful conduct and/or discrimination?
 - What did the respondent(s) “say” and/or “do” that you believe was disrespectful and/or discriminatory?
 - Were there any witnesses? (e.g., specify name and department)
 - How did the incident(s) affect you? (e.g., what was the impact on your work or patient care?)
- ✓ Have you attempted to resolve your concerns under Step 1 or 2? If yes, please describe actions and specify Leaders, Managers, Directors, Physicians etc. involved.

Investigation Process

Your Leader, in consultation with the Director of HR Consulting Services, or designate, will review the complaint and may:

- ✓ refer the matter back to Step 1 or 2 where a cooperative conversation may resolve the matter; or
- ✓ assign an internal (eg. HR Consultant) or external investigator. The investigator's mandate may include: interviewing the complainant, respondent and witnesses where appropriate to determine whether if there's been a violation of this policy.
- ✓ where an investigation is initiated under Step 3, it will be conducted in a manner that ensures both the complainant and the respondent shall each have a fair opportunity to know what the other is saying and a fair opportunity to be heard. At all times throughout the investigation process into the complaint, both the complainant and the respondent will have the opportunity to be accompanied by a support person of his or her choice.

In the case of complaints about members of the medical staff, the Medical Department Head / designate will follow the processes set out under the disciplinary sections of the Medical Staff Bylaws and Medical Staff Rules then in force.

Other Resolution Processes

This process does not preclude persons from advancing complaints through the applicable collective agreement, relevant professional bodies, or the BC Human Rights Tribunal. In the event persons file complaints outside of this policy, Provincial Health Services Authority reserves the right to not proceed with Steps 1-3.

5.0 Violation of a Respectful Workplace

Any person found to be disrespectful and/or discriminatory at work or work related gatherings may be subject to remedial and/or disciplinary action up to and including termination of employment, cancellation of contract and/or revocation of privileges pursuant to applicable Health Authority processes. Remedial interventions may include:

- ✓ communication skills training
- ✓ anger management training
- ✓ education on cultural diversity
- ✓ counseling through Employee & Family Assistance Program (EFAP)
- ✓ education and treatment for substance abuse

For patients / residents/clients (including family members and visitors) found in violation of this Policy, Provincial Health Services Authority may impose restrictions up to and including removal from Provincial Health Services Authority if determined appropriate in the circumstance.

6.0 Bad Faith Complaints

Complaints that are made in bad faith may lead to discipline for the complainant. An example of a bad faith complaint would be if a person has "made up" a complaint to cause trouble for another person.

7.0 Retaliation

Any interference with an investigation, or retaliation against a person who has filed a complaint, or a respondent or witness, will result in disciplinary action.

8.0 Confidentiality

No information will be disclosed by any person during the investigation or resolution of a complaint under this process except as necessary to enable due process under this Policy or to protect the persons, public, and/or assets of Provincial Health Services Authority.

9.0 References

- a) PHSA Whistleblower Policy (Policy AB-620)
- b) PHSA Standards of Business Conduct Policy (Policy AB-610)
- c) PHSA Code of Ethics Policy (Policy AB-600)

Policy Created on: November 8, 2010

Revision Dates:

- November 8, 2010