



## 5.0 Human Resources

### 5.5 Workplace Conduct

#### 5.5.2 Respectful Workplace

### 1.0 Introduction

The Vancouver Island Health Authority's (VIHA) **Respectful Workplace Policy** is comprised of three parts:

Part I: Respectful Conduct in the Workplace

Part II: Human Rights, Discrimination and Discriminatory Harassment

Part III: Procedures for Reporting, Resolving and/or Investigating Respectful Workplace Complaints.

Through this policy VIHA supports the maintenance of Respectful Workplaces by providing:

- Education about human rights, harassment, bullying, appropriate behaviour in the workplace and dispute resolution;
- Process for resolution of respectful workplace complaints;
- Process for reporting and investigation of respectful workplace complaints, including discrimination and discriminatory harassment;
- Interventions to strengthen the relationships and work of teams.

## 2.0 Responsibilities

### 2.1 Individuals

Employees and other individuals ("individuals") who work within the organization are responsible for conducting themselves in a respectful and appropriate manner in the workplace and at work-related activities. Individuals are responsible for attempting to resolve personal differences in the workplace in a respectful manner and for approaching their Manager, Human Resources Consultant, Physician Leader or Employee and Family Assistance Program Counselor for assistance in how to do this.

Individuals are also responsible for reporting any violations of this policy to their Manager, Physician Leader, Human Resources Consultant, or the Conflict Management Program Coordinator and to participate in appropriate initiatives to improve respect and conflict management within their work units.

## **2.2 Supervisors, Managers, Directors, Executive and Physician Leaders**

Supervisors, Managers, Directors, Executive and Physician Leaders within VIHA are first and foremost responsible for modeling respectful and appropriate conduct in the workplace. Workplace leaders have the added responsibility to take corrective action, with the assistance of their Human Resources Consultant, if they observe harassment, bullying, disrespectful behaviour or discrimination. All such leaders responsible for hiring and performance management of employees, volunteers and physicians are also responsible for attaching significance to this Policy during orientation of new individuals and performance management with existing employees, volunteers and physicians.

Workplace leaders shall take all complaints about violations of the Respectful Workplace Policy seriously, addressing them in a timely manner and seeking help as necessary to assist in the resolution of complaints in accordance with this Policy and ongoing education about this Policy.

## **2.3 Normal Exercise of Supervisory Responsibility**

Nothing in this Policy is intended to reduce the rights and responsibility of a Supervisor, Manager, Director, Physician Leader or Executive to appropriately and in good faith, manage the work performance of individuals in their work teams.

## **2.4 Human Resources Consultants**

Human Resources Consultants are responsible for guiding managers through the application of the Policy, for consulting in a timely manner on appropriate interventions and/or engaging external consultants, educators and coaches as required to help their clients manage differences and foster the skills and knowledge necessary to maintain a respectful workplace.

Human Resources Consultants will also provide advice to leaders on appropriate remedies for violations of the Policy.

## **2.5 Coordinator, Conflict Management Program**

The Coordinator, Conflict Management Program has expertise in the identification and handling of respectful workplace issues. The Coordinator is an independent resource person available to all employees including supervisors and managers. The role of the Coordinator includes:

- Delivering or arranging for the delivery of education about human rights, harassment, bullying, appropriate behaviour in the workplace and dispute resolution.
- Providing confidential advice and/or coaching to employees, supervisors and managers regarding harassment issues;
- Mediating discussions between complainant and respondent at the informal level as requested;
- Facilitating group interventions, before or after a formal complaint; and
- Acting as a case manager for formal complaint processes.

## **2.6 Executive Director of People and Organizational Development**

The Executive Director of People and Organizational Development has the following responsibilities:

- Deciding whether time limits for filing formal complaints should be extended; and
- Approving the engagement of an investigator or mediator for formal complaints of harassment.

## **3.0 Definitions**

### **Complainant**

Means the individual making the complaint that discrimination or harassment has occurred in relation to this Policy.

### **Respondent**

Means the person alleged to have discriminated against or harassed the complainant in relation to this Policy.

### **Investigator**

May refer to an internal investigator (e.g. a member of the Human Resources department) or an external investigator engaged by the Health Authority to conduct an investigation in relation to this Policy on behalf of VIHA.

## **4.0 Principles**

### **4.1 Prevention and Education**

The Vancouver Island Health Authority (VIHA) Respectful Workplace Policy is based on the understanding that VIHA, as a service provider and as an employer, has a responsibility to:

- educate its employees about all forms of discrimination, including discriminatory harassment, and about prevention and eradication;
- attempt to prevent discrimination occurring within the VIHA;
- respond promptly and effectively to complaints of discrimination.

VIHA strongly supports education as the most effective proactive measure for achieving a workplace that is respectful and welcoming to all. Human Resources is responsible for developing and implementing an educational program for VIHA that includes:

- provision of education, training, and consultation to managers, supervisors, and other members of the VIHA community regarding ways to promote and maintain an environment free of discrimination and harassment.

- provision of information to all members of VIHA regarding the kinds of behaviour which may constitute discriminatory harassment or other form of discrimination under the Respectful Workplace Policy and under human rights legislation;
- broad dissemination of information regarding the procedures for filing and resolving complaints;

## **References**

- VIHA's Medical Staff Bylaws
- Employee and Family Assistance Program

## **PART 1 – RESPECTFUL CONDUCT IN THE WORKPLACE**

### **1.0 Philosophy**

VIHA is committed to ensuring that all employees, physicians, volunteers, students and others who work within the organization are treated with dignity and respect, free from discrimination and harassment and supported in resolving workplace disputes. All such persons are hereinafter referred to as “individuals”.

### **2.0 Policy**

Individuals who work within VIHA are responsible for conducting themselves in a respectful manner in the workplace and at work-related gatherings. Failure to maintain respectful conduct will lead to discipline up to and including termination of employment, revocation of admitting privileges and/or cancellation of contract.

### **3.0 Definitions**

#### **3.1 Respectful Workplace**

A Respectful Workplace is characterized by:

- *Polite Behaviour* ... Courteous and considerate behaviour toward others;
- *Inclusion* ... of people with different backgrounds, cultures, strengths and opinions;
- *Safety* ... from disrespectful, discriminating, bullying and harassing behaviour (See also Part II of this Policy);
- *Constructive Management of Differences* ... differences are understood to be a fact of life and are managed through dispute resolution processes; and
- *Support* ... Individuals are supported to learn and practice personal dispute resolution and respectful workplace skills.

#### **3.2 Personal Harassment**

Harassment is any behaviour by an individual directed against another individual that a reasonable person would know or ought to know would cause offence, humiliation or intimidation, where the conduct serves no legitimate work-related purpose. Such behaviour includes but is not limited to: making derogatory comments to or about another individual, swearing, yelling, and inappropriately interfering in another individual's work, derogatory gestures, embarrassing practical jokes, ridicule, gossip, heedless disregard or denial of another's rights, improper use of power or authority or physical assault.

For definition of discriminatory and sexual harassment please see Part II of this Policy.

### **3.3 Bullying**

Bullying is any repeated or systematic behaviour, physical, verbal or psychological including shunning, which would be seen by a reasonable person as intending to belittle, intimidate, coerce or isolate another person.

Personal harassment and/or bullying does not include acceptable social banter in the workplace. Nor does it include actions occasioned through the exercise in good faith of management's rights for bona fide operational requirements or progressive corrective discipline in a manner that is respectful of those involved.

### **3.4 Inclusion**

Inclusion for the purpose of this Policy means welcoming people with diverse backgrounds into the workplace. Behaviours include but are not limited to: working to understand cultural differences, working constructively with employees accommodated as a result of the employer's duty to accommodate and valuing other's differing styles and contributions. For more information, please reference Policy # 5.5.11 (Diversity Policy).

### **3.5 Support**

Support for the purpose of this Policy means coaching, in-service training and/or internal or external expert intervention designed to bring dispute resolution skill and respectful workplace knowledge to a work unit.

## **PART II - HUMAN RIGHTS: DISCRIMINATION AND DISCRIMINATORY HARASSMENT**

### **1.0 Philosophy**

The Vancouver Island Health Authority (VIHA) is committed to providing an environment that respects and promotes human rights and personal dignity. VIHA supports the principle that all employees, medical and allied staff, students, volunteers, patients, clients, residents and visitors are entitled to a work and service environment that is free from any form of discrimination and discriminatory harassment.

VIHA strongly supports education as a valuable tool in achieving a work place that is respectful and inclusive. Education and training on human rights issues will be supported. Procedures for complaint resolution will be developed and maintained.

### **2.0 Policy**

Accordingly, VIHA prohibits any behaviour that results in discrimination and erodes understanding and mutual respect. Employees, medical and allied staff, students, and volunteers found to be in violation of this Policy may be subject to discipline up to and including termination of employment or withdrawal of privileges. Patients, residents, clients or visitors found to be engaged in conduct constituting discriminatory harassment will be subject to remedy up to and including removal of visitation rights or discharge. Any remedy, including discipline that results from a founded complaint of discrimination or discriminatory harassment, must comply with standards of fairness and due process.

### **3.0 Definitions**

#### **3.1 Discrimination**

Discrimination is unfair differential treatment of an individual or group, whether intended or not, on the basis of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or unrelated criminal conviction. Discrimination of this nature imposes burdens or obligations on an individual or group that serves no work-related function. It is important to note that such conduct is not only a breach of this Policy; it may also be a breach of the British Columbia Human Rights Code.

#### **3.2 Discriminatory Harassment**

Discriminatory harassment is a form of discrimination and is also contrary to the Human Rights Code. As such, it is not only a breach of this Policy – it is against the law. Discriminatory harassment is abusive, unfair, offensive, or demeaning treatment of a person or group of persons related to their race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or unrelated criminal conviction that a reasonable person would know or ought to know would:

- have the effect of interfering with an individual's work or participation in work-related activities; or

- create an intimidating, hostile or offensive environment for work or participation in a work-related activity.

### **3.3 Sexual Harassment**

Sexual harassment is:

- conduct or comment of a sexual nature made by a person who knows or ought reasonably to know that such conduct or comment is unwanted or unwelcome; or
- expressed or implied promise of a reward for complying with a request of a sexual nature; or
- actual reprisal or an expressed or implied threat of reprisal for refusal to comply with such a request; or
- conduct or comment of a sexual nature which is intended to, or has the effect of, creating an intimidating, hostile or offensive environment.

## **PART III – PROCEDURES FOR REPORTING, RESOLVING AND/OR INVESTIGATING RESPECTFUL WORKPLACE COMPLAINTS.**

### **1.0 Introduction**

There are two avenues of resolution under the Policy: **informal and formal**. This Policy encourages direct resolution of disputes and provides employees with avenues to assist them in that resolution. To that end, we recommend that the informal approach be used first except in the instances where there are threats of harm to person or property. Should the informal process fail to produce resolution or the complainant is uncomfortable with the informal process, a formal approach may be taken.

### **2.0 The Informal Resolution Process**

Many issues can be successfully resolved through the informal resolution process.

#### **Step 1 – Resolution (Informal Conversation)**

Wherever possible, it is preferable for an individual to address the person with whom he/ she are having difficulty, directly. If that is not possible or, the initial effort is not successful, then proceed to the next step.

When an employee identifies a situation with another employee that is negatively impacting on their work, s/he will attempt to deal with the concern directly by:

- a) asking the other party to meet at a convenient time and in a private place to engage in cooperative problem solving:
  - raise the issue with the other person in a way that helps both understand the interaction and achieve resolution: describe in a respectful tone of voice the troubling behaviour (i.e. what you heard the other say or saw them do on a specific date and time) and describe what the impact of the behaviour has been;
  - listen to the other's perspective to explore your respective interests (underlying needs, concerns, and hopes);
  - create options for solving the situation; and
  - develop an agreement that meets as many as possible of both interests.
- b) If the matter is successfully resolved through this action, no further steps need be taken.
- c) If this process does not effectively resolve the situation or the other person refuses to participate, the employee will request a meeting with their manager or, in the manager's absence, their designate (see Step 2).

## **Step 2 – Resolution (Manager / Designate Involvement)**

If an individual thinks he/she is unable to deal with the person directly, he/ she may approach their manager. If, for any reason, he/ she feels uncomfortable in approaching their own manager, he/ she can speak to the next level of manager or a Human Resources Consultant.

A manager or Human Resources Consultant will attempt to assist the individual by reviewing these procedures, hearing the concern; clarifying and acknowledging the impact on the employee; determining what the employee wants and needs; and exploring the formal and informal options for resolution in relation to this Policy. The manager may choose to contact a Human Resources Consultant or the Conflict Management Program Coordinator (“the Coordinator”) for policy guidance and/or coaching in this regard.

If the complainant has not yet spoken to the respondent and is willing to do so, the manager or Human Resources Consultant may offer to assist the complainant to have this conversation. If the complainant indicates s/he wishes to resolve the concern informally, the manager or Human Resources Consultant will explore a variety of informal resolution options with the complainant. Possibilities include:

- Accompanying the complainant as an advocate;
- Requesting agreement to contact the respondent on behalf of the complainant, presenting the complainant’s concerns, providing an opportunity for the respondent to present his/her perspective and exploring ways of resolving the complaint;
- Facilitating a discussion between the two parties.

Prior to any substantive discussions, respondents who are members of a union will be informed of their right to have a union representative.

Following consultation with the manager, there are three options:

- Take no immediate action as agreed; or
- Proceed with an informal resolution process; or
- Proceed with the formal resolution process.

If the individual with the complaint decides not to proceed with a complaint but concerns are revealed regarding the physical or psychological impact of the alleged behaviour on other members of the community, VIHA retains the right to initiate its own complaint resolution process under this Policy.

## **Step 3 – Resolution (Mediation)**

Mediation is a voluntary alternate dispute resolution mechanism that aims to assist two (or more) people reach an agreement with concrete effects; it allows parties to get a better understanding of each other’s positions, and often helps to improve communications and reach cooperative solutions that may lead to better relations in the future. Both the complainant and the respondent have to agree to the mediation. If you want mediation, contact your manager. If parties choose mediation, they will:

- Meet with a skilled, impartial mediator to discuss the complaint and the possibilities for resolution (including the use of alternative dispute resolution mechanisms);

- Decide whether to meet in the same room or make other arrangements that are acceptable to all;
- Keep discussions confidential unless there is information they jointly agree to release; and
- Decide whether to resolve the dispute in mediation or proceed with the complaint process.

Each person has the right to be accompanied and assisted during the sessions by a union or, in the case of union-excluded employees, other representative. Participation of representatives in the mediation process is generally discussed and agreed-to with the mediator in the pre-mediation phase.

Mediation is flexible, permitting parties to deal not only with the issues but also with what may have caused them. It frequently facilitates creative solutions. Mediating a dispute as soon as possible can help the parties avoid delays and result in a satisfactory resolution.

If the parties agree to mediation the manager will contact the Human Resources Consultant who will appoint a qualified internal or external mediator not otherwise involved in the process. This mediator will not be asked to represent VIHA at any stage of the proceedings related to the dispute.

In the event mediation does not conclude in resolving the dispute, the complainant may consider initiating a formal complaint.

### **3.0 The Formal Process**

The formal process is often, but not always, the most appropriate process for allegations of discrimination and discriminatory harassment complaints due to matters of legal responsibility and liability.

#### **3.1 Time Limits**

The time limit for making a formal complaint is six months from the last incident. This is consistent with the time limits noted in *the BC Human Rights Code*.

A complaint which does not meet the time limit set out in clause 3.1 may be accepted for consideration under this Policy when, in the opinion of the Executive Director, People and Organizational Development:

- Circumstances warrant an extension of this deadline;
- The delay in filing the complaint was incurred in good faith;
- No substantial prejudice will result to any person because of the delay.

An application for an extension of the time limit shall be in writing and directed to the Executive Director, People and Organizational Development. The decision of the Executive Director, People and Organizational Development may be appealed to the Vice-President, People and Organizational Development.

### **3.2 Withdrawal of a Formal Complaint**

At any time during the course of an investigation of a formal complaint, the complainant may choose to withdraw his or her complaint without penalty unless the investigator finds that the complaint was frivolous, vexatious or made in bad faith.

### **3.3 Mediation at the Formal Complaint Stage**

Mediation is again available to both parties to try to resolve the complaint at any point during the process. Where both parties agree to mediation they will advise the Manager who will work with the Human Resources Consultant to appoint a qualified internal or external mediator not involved in investigating the complaint. Each person has the right to be accompanied and assisted during the mediation sessions by a manager or union representative. Excluded employees may have a representative of their choosing. Participation of representatives in the mediation process is generally discussed and agreed-to with the mediator in the pre-mediation phase. Any person may withdraw from the mediation at any point. Any ongoing investigation into a complaint will be suspended during mediation and resume if mediation is unsuccessful.

### **3.4 Making a Formal Complaint**

The first step in the process is contact with the immediate supervisor, manager, union steward or excluded representative who will explain the various avenues that may be available to address the complaint (VIHA policy, collective agreement, and/or the BC Human Rights Tribunal). If the decision is to proceed, the next step is for the supervisor, manager or union steward to immediately contact the Coordinator, Conflict Management Program. Complainants will also be directed to fill in and submit a formal complaint form. Formal Complaint forms can be downloaded from the VIHA Conflict Management Website. Please provide the following details:

- your name and position
- the name and position of the respondent
- the address or location where the incident occurred
- details of what happened (the facts and the history of the conduct, including the time of the conduct) and the impact on you and your ability to do your work
- the names of any witnesses

The Complainant must sign and date the complaint, mark the envelope “Confidential” and send it to the Conflict Management Program Coordinator.

The Conflict Management Program Coordinator (in consultation with the Executive Director – People and Organization Development) will confirm that the complaint falls under the Respectful Workplace Policy and assign an internal or external investigator within 5 working days of receipt of the written complaint.

### **3.5 The Investigation Process and Role of the Investigator**

VIHA will appoint an investigator who has the necessary experience and training to properly deal with the complaint. The investigator will review all relevant documents and conduct in-person interviews with the complainant, the respondent and all necessary witnesses. The investigation

will normally commence within two weeks of its authorization by the Executive Director, People and Organizational Development and be completed within 30 working days of the authorization.

The Coordinator shall forward to the Investigator copies of all documentation, including the complaint and any documentation presented as evidence. The investigator will keep a file that contains a record of all in-person interviews, all telephone calls made and received in the course of the investigation, and duplicate copies of all documents or exhibits obtained.

The investigator will meet with the respondent and provide all of the relevant information obtained in the course of the investigation. The respondent will be given a reasonable chance to respond to the allegations. The investigator will then follow up on any explanations provided by the respondent regarding the allegations.

Based on the results of the investigation, the investigator will submit to the Conflict Management Program Coordinator a report with conclusions as to whether the evidence supports or does not support the allegations. The investigator will also make recommendations for a remedy to the Coordinator.

Within 10 working days after receipt of the investigator's findings and recommendations, the Coordinator will consult with all stakeholders and facilitate the preparation of an implementation plan for corrective action and remedies. The Coordinator will then inform the complainant and the respondent through a letter of decision of the results of the investigation and the plan for corrective action and remedies. The Coordinator will also provide information on the appeal process under this Policy.

### **3.6 Remedies**

The range of remedies for the complainant, if the complaint is upheld, may include, but are not limited to, the following:

- oral/and or/written apology from the respondent and/or the VIHA;
- any administrative changes that are appropriate.

Outcomes for the respondent if the complaint is upheld may include but are not limited to the following:

- coaching
- counseling
- attendance at respectful workplace training or re-orientation to this Policy and its purposes
- transfer
- discipline up to and including termination with or without notice

In circumstances where the complaint was found by the investigator to have been made in bad faith or was vexatious or frivolous, appropriate action will be taken which could include discipline for the complainant, up to and including dismissal. Remedies for the falsely accused respondent may include steps to restore any lost reputation and any other remedies that the Executive Director – People and Organization Development may consider appropriate.

### **3.7 Interim Measures**

Interim measures may be imposed during the complaint resolution process to ensure the work environment is safe and service within the involved area is not compromised. These measures will be determined and implemented by the appropriate manager in consultation with the Executive Director, the Coordinator, and other relevant parties (e.g. Human Resources, unions, professional associations).

### **3.8 Consequences of Retaliation**

Any retaliation against any party involved in a complaint or complaint resolution process will not be tolerated and may by itself result in disciplinary action by VIHA.

### **3.9 Closure**

Once the appeal period set out in section 12 has expired, the Coordinator will inform the complainant and the respondent of the results of the final implementation plan, including if appropriate, remedies, changes in work, and any disciplinary action. Other parties involved in the complaint (witnesses and others) will be advised by the Coordinator that the investigation has been concluded.

All documentation, including any and all oral or written information gathered, received, or compiled throughout the process shall be forwarded to the Coordinator as set out in Clause 13 of this Policy.

### **3.10 Healing**

It is recognized that experiences with discrimination or behaviour contrary to this Policy can be difficult for the complainant, the respondent and any other parties to the complaint. VIHA is committed to providing support, information, and opportunities for an evaluation and feedback of the process to those involved in the resolution of a dispute under this Policy. There are several steps involved in the healing process, which include:

- Support to staff is available through EFAP, Human Resources, or union representatives.
- A manager or supervisor may arrange for a unit debriefing. This debriefing may include but is not limited to advising the unit that the dispute has been resolved and actions to remedy the complaint have been taken.
- Further education and information on conflict management skills, further training on the Policy and its objectives can also be provided.
- The Coordinator will request formal feedback on the result of the dispute resolution procedures and the Policy from the complainant and the respondent six months after the dispute is resolved. Any staff person involved once the dispute has been resolved can provide informal feedback to the Coordinator.

## **4.0 Other Resolution Options**

### **4.1 Multiple Proceedings**

VIHA recognizes that a person who reasonably believes that his or her rights are being violated may have, in addition to access to this Policy, a number of other internal and external avenues available to address their concerns. These avenues may include, but are not limited to: collective agreement processes, medical staff processes, filing a complaint with the British Columbia Human Rights Tribunal, filing a complaint to relevant professional bodies and pursuing private proceedings.

In the case where an employee has opted to exercise his or her rights under more than one avenue of redress, VIHA may request the employee to defer proceeding with the other avenues while the complaint under this Policy is being investigated. If the employee does not wish to defer other proceedings, VIHA may, at its discretion, stop its investigation under the Policy pending the outcome of other proceedings. There may be circumstances where it is appropriate for both the internal and external processes to proceed simultaneously, in which case both the complainant and respondent will be notified.

## **5.0 Bad Faith, Vexatious Or Frivolous Complaints**

Where the complaint is considered frivolous, vexatious in nature and/or made in bad faith, the Executive Director, People and Organizational Development will recommend the appropriate action to the appropriate union-excluded manager. This may lead to discipline for the complainant, up to and including termination.

## **6.0 Unsubstantiated Complaints**

If the investigator finds insufficient evidence to support the complaint's allegations, the investigator will submit a finding of no evidence of harassment. There will be no record of the complaint on the complainant or respondent's file and no penalty to anyone concerning that incident. A finding of no evidence of harassment is a simple reflection of an absence of evidence to support the claim; nothing more. It is important to differentiate between a finding of no harassment and a "bad faith, vexatious or frivolous complaint." All documentation, including any and all oral or written information gathered, received, or compiled throughout the process shall be forwarded to the Coordinator as set out in Clause 13 of this Policy.

## **7.0 Medical Staff**

**7.1** In the event that the respondent is a member of VIHA's Medical Staff, the Coordinator shall forward the report to the Executive Medical Director for the portfolio. The Coordinator and the Executive Medical Director shall meet with the respondent together with the appropriate department or division head.

**7.2** If the respondent concurs with the recommendation of the discussion and the appropriate action to be taken, the action will be confirmed in writing to the respondent with a copy

placed on the respondent's file. If the respondent objects to the proposed action, the Executive Medical Director shall forward the report and recommendation to the Health Authority Medical Advisory Committee.

- 7.3** The Chair of the Health Authority Medical Advisory Committee shall direct the formation of a Disciplinary Committee to consider the complaint, the report and the recommendations and to make recommendations to the Health Authority Medical Advisory Committee, CEO and Senior Medical Administrator. The Senior Medical Administrator of VIHA shall, as soon as possible, make known to the complainant and the respondent the resulting decisions and disposition of the complaint.

## **8.0 Students**

In the event the respondent is a student, the program manager, in consultation with the Coordinator and the appropriate representative of the respondent's training organization, will implement the appropriate remedy.

## **9.0 Volunteers**

In the event that the respondent is a volunteer, the appropriate Volunteer Services manager, in consultation with the Coordinator, will implement the appropriate remedy.

## **10.0 Patients, Clients, Residents And Visitors**

In the event that the respondent is a patient, client, resident, or visitor, the appropriate program Director or designated manager for the service in conjunction with the Coordinator will implement the appropriate remedy.

## **11.0 Suppliers And Contractors**

In the event that the respondent is a supplier/contractor, the appropriate manager for the service, in conjunction with the Coordinator and/or a Human Resources Consultant, will initiate contact with the appropriate personnel within either the VIHA Contract Management department or the external agency to determine the appropriate remedy.

## **12.0 Appeals**

- 12.1** Where the complainant is dissatisfied with the outcome or process, he/she may appeal directly to the Vice-President, People and Organizational Development in writing within 30 days of receipt of the letter of decision.
- 12.2** Where the respondent is dissatisfied with the action taken, he/she may appeal directly to the Vice-President, People and Organizational Development in writing within 30 days of receipt of the letter of decision.

- 12.3** Please note that while this procedure provides navigation to all parties through our internal intake and investigation process, this procedure in no way precludes individuals who think that she or he may have been the recipient of discriminatory behaviour from pursuing the matter in accordance with the terms of existing contracts of employment or collective agreements and/or via the BC Human Rights Tribunal.

### **13.0 Record Keeping**

- 13.1** The Coordinator will coordinate the collection of data on formal complaints made under this Policy for the purpose of reporting to the VIHA community.
- 13.2** All records of formal complaints, including any and all oral or written information gathered, received, or compiled throughout the formal complaint resolution process shall be maintained in a secured confidential file by the Coordinator.
- 13.3** All records shall remain on file for seven (7) years, after which they shall be destroyed. Anonymous data, however, shall continue to be recorded by the Coordinator for statistical purposes only.
- 13.4** Access to the confidential files of the Coordinator shall be governed by the provisions of the Freedom of Information/Protection of Privacy Act.

### **14.0 Protocol Re: Processing Of External Human Rights Complaints**

It is the desire of VIHA to provide an effective and consistent process for responding to human rights complaints, regardless of whether the complaint is initiated internally or externally. This protocol also enables VIHA to develop an accurate picture of emerging issues for the purpose of targeting preventative measures.

#### **14.1 Handling of Complaints Initiated through the BC Human Rights Tribunal**

In addition to our internal intake and investigation process set out below, the British Columbia Human Rights Tribunal has published a number of guides and information sheets that explain the B.C. Human Rights Code and the Tribunal's process for complaint intake and investigation. Further, Tribunal staff are also available to assist the parties.

The B.C. Human Rights Tribunal is an independent, quasi-judicial body created by the B.C. Human Rights Code. The Tribunal is responsible for accepting, screening, mediating and adjudicating human rights complaints. The Tribunal offers the parties to a complaint the opportunity to try to resolve the complaint through mediation. If the parties do not resolve the complaint, the Tribunal holds a hearing.

More information about the B.C. Human Rights Tribunal and Code is available at <http://www.bchrt.bc.ca/>.

**Procedure:**

When any office within VIHA receives a Complaint initiated through the BC Human Rights Tribunal, the Complaint will be immediately forwarded to the Conflict Management Program Coordinator (the "Coordinator"). The Coordinator shall:

- 1) Notify VIHA Risk Management of the nature of the complaint;
- 2) Determine the appropriate means for responding to the complaint and establish a system for tracking the progress of the complaint resolution;
- 3) Ensure all time lines are complied with;
- 4) Upon resolution of the Complaint, coordinate collection of any and all oral or written information gathered, received, or compiled throughout the process and maintain these records in a secured confidential file pursuant to Clause 13 of the Procedures for Reporting, Resolving and/or Investigating Respectful Workplace Complaints;
- 5) In consultation with Human Resources Consulting and other stakeholders, make recommendations to the Executive Director, Organizational Development for follow-up action.

**14.2 Handling of Complaints Initiated under Article 4.03 – HEABC and the Facilities Subsector Association of Unions**

The Conflict Management Program Coordinator (the "Coordinator") will be the point of contact for an investigator appointed pursuant to the above Article. Upon being advised of the commencement of an investigation, the Coordinator shall:

- 1) Notify the VIHA Risk Management of the nature of the complaint;
- 2) Establish a system for tracking the progress of the complaint resolution with the investigator;
- 3) Upon resolution of the Complaint, coordinate collection of any and all oral or written information gathered, received, or compiled throughout the process and maintain these records in a secured confidential file pursuant to Clause 13 of the Procedures for Reporting, Resolving and/or Investigating Respectful Workplace Complaints;
- 4) In consultation with Human Resources Consulting and other stakeholders, make recommendations to the Executive Director, Organizational Development for follow-up action.

**Supporting and Related Policies and Procedures:**

5.5.11 Diversity Policy