



## RYSE POLICY FOR PROMOTING A RESPECTFUL WORKPLACE

### PART I: STATEMENT OF PRINCIPLES

#### 1. Purposes

The purposes of this policy are to:

- a) promote respect for the dignity of all employees of RYSE;
- b) maintain a working environment that is free from discrimination, bullying and harassment;
- c) set out the types of behaviour that may be considered offensive;
- d) establish a mechanism for receiving complaints of workplace discrimination, bullying and harassment;
- e) provide a procedure by which RYSE will deal with such complaints; and
- f) educate employees of RYSE about how to proactively support a respectful workplace.

#### 2. Commitment

RYSE Supportive Services is committed to providing a collegial working environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that is equitable, respectful, and free from bullying, harassment, and discrimination.

Workplace bullying, harassment, and discrimination will not be tolerated. RYSE encourages reporting of all incidents of workplace harassment, regardless of who the offender may be. Any person who engages in conduct in violation of this policy will be dealt with as outlined in the policy. RYSE recognizes that its employees may be subjected to discrimination, bullying and harassment in the workplace, not only by coworkers, but also by clients, others who conduct business with RYSE, opposing counsel, court personnel or judges. In such circumstances, RYSE acknowledges its responsibility to support and assist the person subjected to such bullying, harassment, or discrimination.

#### 3. Application

##### 3.1 RYSE employees



This policy applies to all individuals working for RYSE including administrative support, associates, partners, dependent and independent contractors, articling and summer students, and volunteers.

### 3.2 Location

This policy applies to any work-related environment, including:

- a) the office;
- b) any location where the business of RYSE is being carried out, including off-site work assignments, courtrooms, telephone and electronic communications, etc.;
- c) official and unofficial work-related social functions;
- d) work-related conferences or training sessions; and
- e) work-related travel.

## 4. Confidentiality

### 4.1 General

To protect the interests of the complainant, the respondent, and persons who report incidents of discrimination, bullying and harassment in the workplace, confidentiality will be maintained throughout the process to the extent permitted by the investigation.

### 4.2 Information and records

All information relating to the complaint (including contents of meetings, interviews, results of investigation, and other relevant material) will be disclosed only to the extent necessary to carry out the procedures under the policy, or where disclosure is required by law.

Information collected and retained is subject to the privacy protection provisions of the Freedom of Information and Protection of Privacy Act RSBC 1996, c. 165 and the Personal Information Protection Act, SBC 2003, c. 63.

## 6. Prohibited conduct

Bullying, harassment, discrimination, retaliation, and malicious complaints are prohibited.



## 6.1 Bullying and harassment

“Bullying and harassment” is defined in B.C.’s Anti-Bullying legislation and “(a) 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 (b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.”

Bullying and harassment may consist of a single incident or several incidents over a period of time. Examples of conduct which may constitute bullying and harassment can be found at Appendix 1.

Mutually acceptable social interaction is not workplace bullying or harassment.

## 6.2 Discrimination

The BC Human Rights Code prohibits discrimination in employment based on: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment of that person ( “enumerated grounds”). The Code of Professional Conduct is consistent with the BC Human Rights Code and prohibits sexual harassment, harassment, and discrimination. Discrimination that is not based on enumerated grounds is prohibited under the Anti-Bullying legislation.

## 6.3 Retaliation

“Retaliation” is any adverse action taken against an individual for:

- a) invoking this policy in good faith whether on behalf of oneself or another individual;
- b) participating or cooperating in any investigation under this policy; or
- c) associating with a person who has invoked this policy or participated in these procedures.

## 6.4 Malicious complaints

A “malicious complaint” occurs when a person has made a complaint of bullying, harassment, or discrimination that he or she knows is untrue. Submitting a complaint



in good faith (e.g. where the complaint is based on a mistake, a misunderstanding, or a misinterpretation, or where the complaint cannot be proven) does not constitute a malicious complaint.

## PART III: RIGHTS AND RESPONSIBILITIES

### 7. Rights

Every RYSE employee has the right to a respectful workplace, and the right to enforce his or her rights under this policy.

#### 7.1 RYSE employee responsibilities

Every RYSE employee has a responsibility to uphold this policy and to ensure that the working environment is free from bullying, harassment, and discrimination by:

- a) promoting respect for the dignity of all employees of RYSE;
- b) not engaging in bullying, harassment, or discrimination;
- c) conducting themselves in a manner that demonstrates professional conduct, respect for others, and that honours diversity and inclusion in the workplace;
- d) participating fully and in good faith in any formal complaint, investigation, or resolution process where they have been identified as having potentially relevant information;
- e) reporting any incidents that may be in violation of this policy;
- f) respecting the rights to personal dignity, privacy, and confidentiality pertaining to this policy; and
- g) participating in education and training opportunities aimed at maintaining and promoting a respectful workplace.

#### 7.2 Supervisor responsibilities

RYSE employees with supervisory authority, including partners, have additional responsibilities under the policy to establish and maintain a workplace free of bullying, harassment, and discrimination. Their responsibilities include:

- a) ensuring that bullying, harassment, and discrimination are not allowed, condoned, or ignored;



- b) acting as a role model for professional and respectful conduct;
- c) providing training on this policy, and on bullying, harassment, and discrimination;
- d) ensuring that all RYSE employees have full access to information regarding RYSE's policies and standards;
- e) taking immediate action on observations or allegations of bullying, harassment, or discrimination;
- f) notifying police when there are reasonable grounds to believe that a violation of the Criminal Code or other applicable law has occurred;
- g) respecting the rights of all parties to a fair, equitable, and confidential process for dealing with complaints of bullying, harassment, or discrimination;
- h) supporting all individuals who participate in a resolution process;
- i) supporting any RYSE employee who complains of workplace bullying, harassment, or discrimination by a person who is not a RYSE employee (e.g. client, opposing counsel, judge, employee of court staff, supplier, etc.);
- j) taking remedial or disciplinary measures, where appropriate;
- k) appointing and training appropriate team leaders, investigators, and [decision-makers];
- l) regularly reviewing the procedures of this policy to ensure that they adequately meet the policy objectives.

### 7.3 Team leader responsibilities

Team leaders are responsible for:

- a) providing training, and conveying information about this policy and the process for making a complaint;
- b) assisting individuals who have concerns or complaints regarding workplace bullying, harassment, or discrimination;
- c) helping a complainant to move through the steps of this policy;



- d) keeping a written record of any complaint;
- e) maintaining confidentiality of communications relating to inquiries and complaints, unless under an obligation to disclose the information by law or under this policy; and
- f) referring individuals who require counseling to the appropriate resources.

Team leaders are not responsible for investigating or determining the merits of a complaint of workplace bullying, harassment, or discrimination.

#### 7.4 Investigator responsibilities

Investigators are responsible for:

- a) investigating every complaint that is not resolved informally;
- b) applying principles of fairness and impartiality throughout the investigation;
- c) interviewing parties and witnesses;
- d) preparing written reports that include findings of fact and conclusions; and
- e) maintaining confidentiality of records of complaints, unless under an obligation to disclose the information by law or under this policy.

#### 7.5 Decision-maker responsibilities

Decision-makers are responsible for deciding whether the policy has been violated.

A decision-maker, in conjunction with the appropriate level of management, is responsible for determining what action will be taken as a result of the investigator's findings.

#### 7.6 Education and training

All RYSE employees will be provided with training on this policy, and on bullying, harassment, and discrimination.



All individuals charged with implementing and applying the policy (e.g. team leaders, investigators, and decision-makers) will be properly trained, and fully versed in the specifics of the policy, the law, interviewing techniques, and information gathering, and on bullying, harassment, and discrimination.

## PART IV: PROCEDURES

### 8. External avenues

While RYSE is committed to resolving incidents of bullying, harassment, and discrimination internally, nothing in this policy precludes RYSE employees from pursuing other avenues of redress, including making a complaint under the:

- a) Criminal Code;
- b) BC Human Rights Code; or
- c) Law Society's Code of Professional Conduct.

During the initial complaint address, between the complainant and management, the manager will notify the complainant of the external avenues of redress, and the applicable time limits.

### 9. Initial action

A person who considers that he or she, or someone else, has been subjected to bullying, harassment, or discrimination (the complainant) should keep a written record of the offensive behaviour, including the date(s), time(s), circumstances, witnesses (if any), and any other pertinent information.

The complainant is encouraged to bring the matter to the attention of the person responsible for the conduct (the respondent).

Where the complainant is not comfortable bringing the matter directly to the attention of the respondent, or where such an approach is attempted and does not produce a satisfactory result for the complainant, the complainant may seek assistance from an team leader.

### 10. Speaking to Management

Any RYSE employee may speak to management to:

- a) obtain information about this policy;



- b) discuss concerns about workplace bullying, harassment, or discrimination; and
- c) discuss alternative courses of action available under this policy, and externally.

Once a complainant has approached management with a complaint of workplace bullying, harassment, or discrimination, management will provide the complainant with a copy of this policy and will advise the complainant of the:

- a) importance of keeping a written record of incidents of bullying, harassment, or discrimination;
- b) right to make an informal or formal complaint under this policy;
- c) availability of counseling and other support services offered by RYSE and others;
- d) right to be accompanied or represented by legal counsel or other person of choice at any stage of the process where the complainant is required or entitled to be present;
- e) right to withdraw from any further action in connection with the complaint at any stage; and
- f) other avenues of recourse available to the complainant, such as a complaint to the Law Society, BC Human Rights Tribunal, or police, as well as any time limitations for filing an external complaint.

Where a person believes that a colleague has experienced or is experiencing workplace bullying, harassment, or discrimination, and reports this belief to management, the manager will speak with the person who is said to have been subjected to workplace bullying, harassment, or discrimination, and will then proceed in accordance with paragraph 10.0.

#### 10.1 Outcomes of speaking with management

If the complainant and the manager agree that the conduct in question is not workplace bullying, harassment, or discrimination as defined in this policy, the manager will take no further action and will maintain a record of the meeting in the HR confidential file.

If the complainant and the manager agree that the conduct in question is workplace bullying, harassment, or discrimination as defined in this policy, the complainant may choose to initiate an informal or formal complaint.





The manager will remind the complainant of the importance of documenting incidents of bullying, harassment, or discrimination, and may assist the complainant in creating a written record.

The manager will create a written record of the conversation, which will be kept in the complainant's personnel HR file.

## 11. Complaints

### 11.1 Notice to the respondent

If the complainant initiates an informal or formal complaint, the manager will provide the respondent with:

- a) a copy of this policy;
- b) verbal and written notice of the complaint;
- c) notice of the respondent's right to be represented by legal counsel or other person of choice at any stage of the process where the respondent is required or entitled to be present; and
- d) information about the availability of counseling, educational, and other support services offered by RYSE and others.

### 11.2 Informal complaint procedure

Where appropriate, the manager will offer the parties an opportunity to resolve the issue informally. No person is required to attempt to resolve the issue informally.

As part of the informal process, the complainant may, with the assistance of a manager, meet with the respondent with a view to arriving at a solution to the situation.

Where the complainant and the respondent are satisfied that they have achieved an appropriate resolution, the manager will make a confidential written record of the resolution, which the HR manager will keep on file. The written record will be provided with a copy of the resolution to both parties.

The manager will follow up with both parties to ensure that the solution is working.

### 11.3 Formal complaint procedure



If the complainant is not satisfied with the results of the informal procedure, or chooses not to utilize the informal procedure, the complainant may make a formal written complaint to the investigator.

## 12. Investigation

The investigator will interview the complainant, respondent, and witnesses. The investigation will be completed in a timely manner. Upon completion of the investigation, the investigator will prepare a written report that includes findings of fact. The [decision-maker] will be advised of the outcome of the investigation.

### 12.1 Action taken following investigation

Based on the outcome of the investigation, the [decision-maker] in conjunction with the appropriate level of management, will make a decision about whether the policy has been violated, and what action will be taken as a result of the findings. The complainant and respondent will be informed of the outcome of the investigation and any decisions as to whether the policy has been violated.

### 12.2 Complaint not substantiated

If an investigation results in a finding that the complaint of workplace bullying, harassment, or discrimination is not substantiated, no record will be placed in the respondent's file. All other documentation will be kept on file by the investigator.

If an investigation results in a finding that the complainant made a malicious complaint, the decision-maker will implement an appropriate remedial action, based on the nature and severity of the violation, in accordance with the "remedial action" section of this policy (see section 13). The outcome of the proceedings will be recorded in the complainant's personnel file and may be used in any investigation of a subsequent complaint.

### 12.3 Complaint is substantiated

Where the investigation results in a finding that the complaint of workplace bullying, harassment, or discrimination is substantiated, the [decision-maker] in conjunction



with the appropriate level of management will implement an appropriate remedial action, based on the nature and severity of the violation.

Where the complaint is substantiated, the confidential outcome of the proceedings will be recorded in the respondent's personnel file and may be used in any investigation of a subsequent complaint.

### 13. Remedial action

Remedial action may include:

- a) an apology;
- b) educational training;
- c) counseling;
- d) reprimand;
- e) reassignment;
- f) withholding a promotion;
- g) a financial penalty;
- h) probation;
- i) a suspension, with or without pay;
- j) dismissal, with or without notice.

Remedial actions that involve a financial penalty or suspension or removal from the company will be approved by senior management. Suspension or termination of an employee must proceed with senior management parties in agreement.

### 14. Review

RYSE will review this policy regularly to ensure that the procedures meet the policy objectives.



## APPENDIX 1: EXAMPLES OF BULLYING, HARASSMENT, AND DISCRIMINATION

The following are examples of workplace bullying, harassment, and discrimination:

a) verbal conduct, such as:

- unwelcome attention of a sexual nature, including:

- o questions or remarks about sex life

- o propositions of physical intimacy

- o remarks about physical appearance

- o requests for dates or sexual favours

- o offers of job related benefits in return for sexual favours

- o requests or demands to submit to sexual requests in order to keep one's job or avoid some other loss, etc.

- unwarranted criticism

- ridicule

- epithets

- derogatory comments

- slurs

- name-calling

- offensive remarks

- jokes

- rumours

- gossip

- innuendo



- abusive language
- threats
- shouting
- yelling
- swearing

b) visual conduct, such as:

\* displaying or disseminating pornographic, sexist, racist or other offensive or derogatory material (e.g. posters, cartoons, drawings, photographs, etc.) including via e-mail, internet, or text message.

\* leering

\* gestures

\* ostracism (e.g. deliberately excluding a RYSE employee from work-related social interaction, “silent treatment,” etc.)

c) physical conduct, such as:

- interfering with a person’s normal movement;
- unwelcome physical contact including touching and assault.

## APPENDIX 2: COMPLAINT FORM

### **Complaint Form under the Respectful Workplace Policy**

I, [name of complainant], working as a [title] in the [RYSE home] have reasonable grounds to believe that [name of respondent] working as a [title] in the [department/practice group] has [bullied/harassed/discriminated against] me in employment on [date].

The grounds of [bullying/harassment/discrimination] are:

The particulars are as follows:

Signed at: [place] on: [date]

Complainant’s signature: \_\_\_\_\_



## APPENDIX 3: RESPONSE FORM

### **Response Form under the Respectful Workplace Policy**

I, [name of respondent], working as a [title] in the [department/practice group] have received a complaint signed by [complainant's name] working as a [title] in the [department/practice group] alleging that I have [bullied/harassed/discriminated against] [him/her] in employment on [date].

The grounds of [bullying/harassment/discrimination] are:

I deny the allegations and provide particulars as follows:

Signed at: [place] on: [date:]

Respondent's signature: \_\_\_\_\_

## APPENDIX 4: CHECKLIST

Once a complainant reports offensive behaviour to a manager, it is necessary for the to gather as much information as possible in order to ascertain whether there is sufficient evidence of workplace harassment sufficient to justify an investigation.

- \* Identify the name and position of person complaining.
- \* Ascertain who allegedly bullied, harassed, or discriminated against the employee.
- \* What occurred? Try to get as many details as possible, even though this may be uncomfortable for the complainant. Ask open-ended, non-judgmental questions.
- \* How often did the harassment occur?



- \* On what dates and at what times did the harassment take place?
- \* Where did the incidents of harassment take place?
- \* Who, if anybody, witnessed the incidents of harassment?
- \* How did the complainant feel about the harassment at the time it occurred?
- \* Does the complainant feel the same way now? If not, what is different about how the complainant now feels, and what brought about the difference?
- \* How did the complainant respond to the harassment? Did the complainant make any effort to stop it?
- \* Did the complainant tell anyone else about the incidents of harassment? If so, get the details concerning who, what, when, where, and the response, if any.
- \* Does the alleged harasser have control over the compensation, working conditions, or future employment of the complainant?
- \* Has the alleged harasser made or carried out any threats or promises in connection with the alleged harassment?
- \* Does the complainant know of or suspect that there are other victims of harassment by the same person?
- \* To what extent has the senior management been made aware of the situation?
- \* What action would the complainant like RYSE to take?

Once this information has been ascertained, the manager will prepare or assist the investigator in a formal investigation. Refer to Complaints Policy and Procedure.