Intent

The Company is dedicated to ensuring that employees are able to complete their duties in a safe environment, without fear of bullying, harassment or violence. As such, The Company will not tolerate and is dedicated to preventing any instance of bullying, harassment or violence in the workplace. All employees of The Company share in the responsibility to ensure that our workplace is a safe and welcoming place to work. Employees are responsible for reporting any instances of bullying, harassment or violence, whether they were the target or they were witness to the incident. In all cases, where a complaint of bullying, harassment or violence is made in good faith, the employee will not be disciplined or retaliated against in any way.

Our Workplace Bullying, Harassment and Violence Policy is not meant to stop free speech or to interfere with everyday interactions. However, what one person finds offensive, others may not. Usually, bullying or harassment can be distinguished from normal, mutually acceptable socializing. It is important to remember it is the perception of the receiver of the potentially offensive message be it spoken, a gesture, a picture or some other form of communication which may be deemed objectionable or unwelcome that determines whether something is acceptable or not.

This Policy is written in compliance with the Workers Compensation Act, Occupational Health and Safety Regulation of British Columbia. The Bullying and Harassment amendments to the Act will be in effect on November 1st, 2013.

Definitions

Bullying and Harassment: Any inappropriate conduct or comment by an individual towards an employee that caused or has the potential to cause that employee to be humiliated or intimidated.

Bullying and harassing behaviours include but are not limited to:

- Verbal aggression or yelling
- Humiliating actions or practices
- Hazing
- Spreading malicious rumours
- Using derogatory names towards someone

Bullying and harassing behaviours do not include:

- Expressing differences of opinions
- Offering constructive feedback, guidance, or work-related advice about behaviour
- Reasonable action taken by The Company or a supervisor relating to management and direction of employees or the place of employment (e.g. counselling, managing a
Worker’s performance, taking reasonable disciplinary actions, assigning work, implementation of disciplinary actions).

**Cyber Bullying**: Bullying that occurs through the use of electronic communication (email, text messaging, social networking etc.). Incidents of cyber bullying should be reported and will be investigated in accordance to the procedures outlined within this Policy.

In general, if you are not sure whether certain actions are considered bullying, ask yourself whether or not a reasonable person would consider the actions taken to be acceptable or unacceptable.

*Above definition has been sourced from WorkSafeBC’s Factsheet for Bullying and Harassment*

**Workplace Violence**: As defined in the [Worker’s Compensation Act, Occupational Health and Safety Regulation](https://www.gov.bc.ca/acts/ocsr4.27.php) (Part 4.27) “violence means the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury”.

Violence could include, but is not limited to:

- Physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault).
- Any threat, behaviour or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property.
- Disruptive behaviour that is not appropriate to the work environment (e.g., yelling, swearing).

**Discrimination**: In accordance with the [Human Rights Code of British Columbia](https://www.gov.bc.ca/acts/hrbcbc1996.php) (Chapter 210), discrimination occurs when someone is treated differently and/or poorly because of one of the following:

- Race;
- Colour;
- Ancestry;
- Place of Origin;
- Political Belief;
- Religion;
- Family or Marital Status;
- Physical or Mental Disability;
- Sex;
- Sexual Orientation;
- Age;
- Conviction of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.
Application of this Policy

This policy applies to all individuals working for the organization including front line employees, temporary employees, contract service providers, contractors, all supervisory personnel, managers, officers or directors. The organization will not tolerate bullying, harassment or violence whether engaged in by fellow employees, managers, officers, directors, or contract service providers of the organization.

The Company will not tolerate any form of bullying, harassment, discrimination or violence against job candidates and employees on any grounds mentioned above, whether during the hiring process or during employment. This commitment applies to such areas as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

For the purposes of this policy, bullying, harassment and violence can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Policy

At The Company we believe that employees have the right to work without fear of bullying, harassment or violence. These incidents can possibly cause some, or all, of the following detrimental effects:

- Increased absenteeism due to disturbed sleep patterns, or a fear of going to work;
- A lack of productivity due to reduced concentration, confidence or morale;
- An increase in turnover as employees no longer want to work in the same place as the person who is bullying or harassing them;
- An increased likelihood of illness or injury due to stress;
- Harmful eating (e.g. a loss of appetite, or overeating/bingeing);
- Psychological effects that turn into physical symptoms (e.g. psychosomatic stomach pains or headaches);
- Substance dependency issues (increased use of alcohol or drugs);
- Feelings of shock, anger, frustration, vulnerability, etc.;
- Panic or anxiety;
- Clinical depression (and possible suicidal thoughts).
Risk Assessment

The Company will conduct a risk assessment if deemed necessary by management of the work environment to identify any issues related to potential violence, bullying or harassment that may impact the operation and will institute measures to control any identified risks to employee safety. This information will be provided to the Joint Health & Safety Committee or Safety Representative.

The risk assessment may include review of records and reports (i.e. security reports, employee incident reports, staff perception surveys, health and safety inspection reports, first aid records or other related records). Specific areas that may contribute to risk of violence, bullying or harassment may include: contact with public, exchange of money, receiving doors, working alone or at night etc. Research may also include a review of similar workplaces with respect to their history of violence.

In an effort to provide support to all of our employees, The Company recognizes that domestic violence is a serious issue that our employees may face. Domestic violence that occurs outside of the workplace and beyond an employee’s assigned work duties is not considered workplace violence; however, if domestic violence occurs within our workplace, we have a duty to respond. If we learn of an incident of domestic violence we are committed to assessing the risk that it may pose to our employees.

The Company will communicate information relating to a person with a history of violence where:

- Workers may reasonably be expected to come into contact with the person in the performance of their job duties; and
- There is a potential risk of workplace violence as a result of interactions with the person with a history of violence.

The Company will only disclose personal information that is deemed reasonably necessary to protect the worker from physical harm.

Seeking Immediate Assistance

Canada’s Criminal Code deals with matters such as violent acts threats and behaviours such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an employee feels threatened by a co-worker, volunteer, contractor, student, vendor, visitor or client/customer then an immediate call to “911” is required.
Responsibilities

As described in WorkSafeBC’s Employer Factsheet on Harassment and Bullying, the Company shall:

- Not engage in any form of bullying, harassment or violence;
- Develop and maintain policy statements on bullying, harassment and violence;
- Take steps to prevent and minimize bullying, harassment and violence;
- Develop, implement and maintain procedures for reporting incidents and complaints;
- Develop, implement and maintain procedures for investigating incidents of complaints;
- Ensure supervisors and employees are aware of steps to prevent bullying, harassment and violence in the workplace;
- Ensure employees and supervisors are properly trained in recognizing the potential for bullying, harassment and violence, how to respond to incidents, and procedures for reporting;
- Review this Policy and procedures annually.

As described in WorkSafeBC’s Supervisor Factsheet on Harassment and Bullying, Supervisors shall:

- Not engage in bullying, harassment or violence of any kind;
- Comply with the policies and procedures in place for The Company regarding bullying, harassment and violence;
- Promote a respectful and safe working environment;
- Ensure employee adherence to the Workplace Bullying, Harassment and Violence Policy;
- Investigate complaints of bullying, harassment or violence promptly and impartially;
- Maintain a confidential file for complaints of harassment, bullying and violence, investigations completed, and actions taken;
- Report the incident to police where appropriate;
- Apply appropriate disciplinary action where appropriate.

As described in WorkSafeBC’s Worker Factsheet on Harassment and Bullying, employees shall:

- Treat others with respect, and contribute to a respectful and safe work environment;
- Report all acts of bullying, harassment and violence to management;
- Ensure and comply with Diamond Sea Glaze Manufacturing Limited’s policies and procedures regarding workplace bullying, harassment and violence.

Witnessing Bullying, Harassment or Violence

It is the responsibility of all employees of The Company to promote a workplace that is respectful and productive. Where employees do not speak up about the presence of bullying,
harassment or violence they may become the next target and they are also condoning the actions.

Any employee who witnesses bullying, harassment or violence is directed to:

1. Offer the person support and inform them that you witnessed the incident.
2. Encourage the person to come forward and let them know that you will be a witness and will provide a statement in the event of an investigation.
3. In some cases, where the person decides to confront the individual informally, you may be asked to be a witness to the conversation (or as support).
4. Where the person does not wish to make a complaint, it is still important that management is aware of the bullying, harassment or violent act taking place in the workplace. Tell your manager or a member of Human Resources what you witnessed so that this type of behaviour can be eliminated at The Company as soon as possible.

Reporting Bullying, Harassment or Violence

Informal:

If you are being bullied, harassed or have been a victim of violence:

- Inform the person perpetuating the actions immediately that their actions are not acceptable to you as soon as they start to occur.
- Describe the specific actions that they took that caused you to feel uncomfortable. When confronted, in many instances, the person will stop. Sometimes a person is not aware that they are acting in an unacceptable manner. This may also prevent the act from escalating and possibly becoming dangerous.
- It is important to keep a record of dates and times where you have spoken to the person who has committed the act of bullying, harassment or violence and inform your manager/supervisor or Human Resources what occurred.

Where the actions continue, employees are directed to use the formal reporting process.

Formal:

Where bullying, harassment or violence has either continued to occur after a conversation with the individual or was extreme or dangerous in nature, employees are required to report it immediately.

Process:

- Speak with your supervisor/manager or with Human Resources or another member of Management where your supervisor/manager is the cause of concern and report the incident.
- Write out a statement detailing the incidents including:
  - The names of the parties involved
Employees should be aware that The Company does not support any retaliatory actions where the complainant has not utilized any of the reporting mechanisms.

Investigating Reports of Bullying, Harassment or Violence

Once a written complaint has been received, The Company will complete a thorough investigation. The investigation will begin immediately after receiving the compliant. Bullying, harassment and violence will not be ignored. Silence can, and often is, interpreted as acceptance. The investigation will be conducted in a timely manner.

For the purposes of this section the following definitions apply:

**Complainant** – The person who has made a complaint about another individual who they believe has bullied, harassed or committed an act of violence against them.

**Respondent** – The person whom another individual has accused of committing an act of bullying, harassment or violence.

The investigation will include:

- Informing the respondent of the complaint;
- Interviewing the complainant, any person involved in the incident, and any identified witnesses.
- Interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents.

A copy of the complaint, detailing the complainant's allegations, will then be provided to the respondent(s).

- The respondent is invited to reply in writing to the complainant's allegations and the reply will be made known to the complainant before the case proceeds further.

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• The Company will do its best to protect from unnecessary disclosure the details of the incident being investigated and the identities of the complaining party and that of the alleged respondent.
• During the investigation, the complainant and the respondent will be interviewed along with any possible witnesses. Statements from all parties involved will be taken and a decision will be made.
• Where it is determined that harassment has occurred, a written report of the remedial action will be given to the employees concerned.

All documents related to the formal investigation will be maintained in a sealed envelope within a locked cabinet. The documentation will be kept by The Company for a period of no less than two (2) years* after the respondent terminates their employment.

*Please Note: This is a best practice recommendation; there is no specific legislation regulating the length of time a company must maintain such files.

Disciplinary Actions

If the findings of the investigation indicate that a violation of the Workplace Bullying, Harassment and Violence Policy has occurred, immediate and appropriate disciplinary action, up to and including dismissal, shall be administered. Other corrective actions may include an employee transfer (where the complainant desires the transfer, it shall be provided to them but in all other cases, the respondent will be transferred). As well, The Company will monitor the situation between the employees to ensure that the action does not reoccur. Corrective actions shall be proportional to the seriousness or repetitiveness of the offense.

Appeal Process

If the complainant or respondent have worked with the process and feel that it has failed at some point, or that the corrective action is not consistent with the incident(s) that led to the original complaint, an appeal process is in place. The employee must complete a written complaint form \W:\Human Resources\HR Public\Complaint Documents\Discrimination Complaint Form.dotx and submit it to Senior Management. The form should include all of the reasons why the employee did not feel that the process was equitable. Where necessary, further investigation will be instigated.

Fraudulent or Malicious Complaints

This Workplace Bullying, Harassment and Violence Policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded/frivolous allegations of bullying, harassment or violence may cause both the accused person and the Company significant damage. If it is determined by the company that any employee has knowingly made false statements regarding an allegation of bullying, harassment, or violence, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.
Confidentiality

The Company will attempt, in all cases, to maintain the confidentiality of the complainant and respondent. While it is not always possible to do so when soliciting witness statements, The Company will not release any information to other employees which would jeopardize the confidentiality of the parties involved. Where it is determined that legislation/law was contravened, The Company will supply any and all evidence to the authorities as necessary, in accordance with PIPA.

Providing Support

The Company is committed to the wellbeing of all of our employees, as such where there has been an incident of bullying, harassment or violence we will ensure that the necessary support is provided to employees. Employees who are feeling adverse symptoms as a result of an incident are encouraged to speak with Human Resources or another member of management so that the necessary support can be provided.

Training

The Company will provide training on the Workplace Bullying, Harassment and Violence Policy ensuring that:

   a) Employees understand the contents of the policy;
   b) Employees and Supervisors/Managers recognize bullying and harassment in the workplace;
   c) Employees know how they can respond to and report incidents of bullying, harassment or violence;
   d) Employees understand how the Company will respond to and investigate reports of bullying, harassment and violence;
   e) Supervisors/Managers are adequately trained on how to respond to and investigate reports of bullying, harassment and violence; and,
   f) Supervisors/Managers are adequately trained on how to provide support for employees who may suffer from adverse symptoms as a result of bullying, harassment or violence.

Policy Review

The Company will review the contents of this policy annually, or sooner, in the event of any incident occurring or when there are legislative changes related to bullying, harassment or violence in the workplace.
Acknowledgment and Agreement

I acknowledge that I have read and understand the Workplace Bullying, Harassment and Violence Policy of The Company. Further, I agree to adhere to this Policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules/procedures outlined in this Policy, I may face disciplinary action, up to and including termination of employment.

Name: ____________________________________________  
Signature: __________________________________________  
Date: _______________________________________________  
Witness: _____________________________________________  

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