

Section III

Part 1

Fair Employment

Our Employment Policy

We believe in and abide by the principles of the British Columbia Code of Human Rights. We apply these principles whenever we recruit, train and promote staff at the CLS. A copy of the BC Code of Human Rights is available to you to review at the office.

Legislation applying to licensed facilities requires medication be dispensed by adult employees. In BC adult is interpreted as the legal voting age, which is 19 or older.

By law we comply with the provisions and regulations enacted by the Employment Standards Act of British Columbia. You can see a statement of your rights under the Employment Standards Act on display at the CLS office. Your Liaison Committee Representative also has a copy that can be made available to you.

CLS is also governed by the *Community Care and Assisted Living Act-Residential Care Regulations*, because many of our workplaces are licensed.

As an accredited agency CLS is guided by the requirements of our accreditation body.

Respect in the Workplace

The CLS is committed to creating and maintaining a safe, respectful and harmonious work environment where the dignity and inherent rights of all people are valued.

You have the right by law to work in an environment that is free from harassment and discrimination. You also have an obligation, as a CLS employee, to treat your fellow workers, individuals supported and their networks with respect at all times.

Respect in the workplace is one step toward helping ensure that our workplace is a comfortable place for all of us. In order to work



You need to be 19 or older to dispense medication



The Employment Standards Act



Dignity and inherent rights of all people are valued

toward this goal, we promise to treat all complaints of disrespect in the workplace seriously.

What is Harassment and Discrimination in the Workplace?

Harassment in the workplace varies widely and is difficult to define absolutely. Each situation and person is different and so the actions to take to stop the harassment may vary, depending on the circumstances.

Harassment can negatively impact the work environment, and can interfere with your ability to perform your job. It can be behaviour that demeans, humiliates or embarrasses a person, and that a “reasonable person” should have known would be unwelcome. Harassment can take place in the workplace itself, or outside of the workplace in a situation that is in some way connected to work.

Human Rights Law: The BC Human Rights Code (which is law) protects you from harassment and employment related discrimination related to your race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, and conviction of a criminal or summary conviction offense unrelated to employment.

There are other types of disrespectful or objectionable actions based on characteristics that are not protected under Human Rights legislation (e.g.: bullying; coercion, malicious gestures or actions, unwanted, derogatory or demeaning comments, jokes or slurs). These types of actions vary widely and are difficult to define absolutely. They can be called General or Personal Harassment, which undermines a Respectful Workplace and are not tolerated at the CLS.

What are Some Examples of Harassment in the Workplace?

The test of harassment is the effect, or consequences, of a person’s actions on others. Sometimes a person is not aware that their actions are disrespectful, harassing or discriminatory. However, harassing actions need not be intentional to be considered harassment. It is not about a person’s intent - it is about how the behaviour affects the other person.

Some examples include:

- Unwelcome remarks, slurs, jokes, taunts, or suggestions as prohibited under Human Rights legislation;
- Unwelcome sexual remarks, invitations, or requests;

- Displays of sexually explicit, sexist, racist or other offensive or derogatory material;
- Written or verbal abuse or threats;
- Practical jokes that embarrass or insult someone;
- Leering (suggestive staring) or other offensive gestures;
- Unwelcome physical contact such as patting, touching, pinching;
- Patronizing or condescending behaviour;
- Humiliating an employee in front of co-workers;
- Vandalism of personal property;
- Physical or sexual assault (criminal offense).

Sexual Harassment includes offensive or humiliating behaviour of a sexual nature that creates an intimidating, hostile or “poisoned” work environment. It includes behaviour that could reasonably be thought to put conditions on a person’s job or employment opportunities in return for sexual favours. It can be verbal, physical, or simply implied by eye contact or body language. It is often, but not always, exercised by those in a power position over others.

A few examples include: questions and discussions about a person’s sexual life; touching a person in a sexual way; commenting on someone’s sexual attractiveness or sexual unattractiveness; persisting in asking for a date after having been refused; eyeing someone in a suggestive way; writing sexually suggestive notes or letters; unwelcome remarks, jokes, innuendoes, or taunting; displaying of pornographic or other offensive pictures.

People react to behaviour in different ways. A person may think their conduct is okay, when in fact the recipient dislikes it but is going along with it to avoid a confrontation. This can happen when there is a difference in age, racial or cultural background, seniority, level of authority, or personal power between those concerned. Sometimes people feel they have to join in to avoid being teased or ostracized by their coworkers. If you feel uncomfortable with the behaviour, you have the right to expect it to stop.

Sometimes a person can say directly that something is offensive to them. Other times, there may be non-verbal messages. We assume that a reasonable person would know that certain types of behaviour are unwelcome. It may only have to happen once to be harassment.

We are all individuals with different life experiences, and we may have different perceptions of what harassment is. But we can still develop some common understandings.

What Is Not Harassment?

Good relationships are mutual and consenting. Harassment is not.

Generally, consensual banter or relationships at work do not constitute harassment. Two or more employees bantering back and forth is not harassment if everyone involved is in agreement. But if any employee feels uncomfortable with this behaviour, and the behaviour continues even after that person expressed their discomfort, or if the others involved should have known the person was uncomfortable, then it is harassment.

Employees flirting with each other, or becoming involved in a romantic or sexual relationship, are not harassing each other, as long as the relationship is consensual. If one of the employees changes their mind, and the other person persists in trying to continue the relationship, a complaint of harassment is justified.

Appropriate employment performance reviews, counselling and discipline, are not harassment.

What Should I Do If I Encounter Harassment in the Workplace?

Everyone has the right to be treated fairly and respectfully in the workplace. You also have the responsibility to treat co-workers, individuals supported and their networks in a way that respects individual differences. No matter what your position, or that of the people with whom you interact at work, showing mutual respect and consideration will make work easier and more enjoyable for all of us.

If you have doubts about whether a joke, comment, or other behaviour will embarrass, humiliate, degrade, or otherwise bother someone, then don't say or do it. Check your own actions. Refuse to participate in any type of harassment or discrimination.

Sometimes, the behaviour that is making you feel uncomfortable is not intended to be offensive, and speaking to the person is enough to stop the comments or actions. So, if you feel that you can speak to the person, do so. Address the situation. Let them know how you feel. Tell them the behaviour is inappropriate. If they continue the behaviour, or if you do not feel you can speak directly to the person, you have several options:

- Talk to a CLS Coordinator or Director;
- Talk to the Director of Employee Services or anyone in Employee Services;
- If possible, make notes of what the behaviour was, the date(s) it happened, how you felt, what you did about it, who was present, if there were witnesses.

Any investigation, mediation, formal complaint or disciplinary actions will be determined on a case by case basis.

In the event that you do not feel satisfied with the support provided by CLS, you can contact the BC Council of Human Rights. (*See also Section VIII, Part 1 and Section VIII, Part 2.*)

What Will the CLS Do to Maintain a Respectful Workplace?

At CLS, we are all responsible for role-modeling appropriate workplace behaviour. Directors, and Coordinators set an example for a respectful work culture and must deal with situations of harassment or discrimination immediately on becoming aware of them, whether or not there has been a complaint.

CLS will take all reasonable steps to prevent and deal with harassment.

CLS will investigate all complaints of disrespectful conduct in the workplace.

Evolving Workshop

We offer an evolving workshop on creating and maintaining a respectful workplace. This workshop has been designed to help us all work together to value diversity and promote respect at CLS. This session is held on a regular basis, is open to all members of the CLS community, and is required for Coordinators.

Our Hiring, Training & Promoting Practices

We aim for consistency in hiring, training and promoting staff at the CLS by:

- Basing our selection on skills and abilities, personality and temperament that will respect and maintain the spirit, dignity, and individuality of the individuals we support.



Maintaining a respectful workplace for all of our employees is a goal at the CLS



Skills and abilities, personality and temperament are what count

- Encouraging the use of our open-door policy at the CLS to identify areas which may limit equal employment opportunities, and, wherever these are identified, we will make reasonable accommodations to your workplace to meet physical, cultural or family-related needs. Requests for accommodations will be considered on a case by case basis as we take into account the operational requirements of the particular work location, financial costs, and the health, safety and rights of supported individuals. (*See also Section II, Part 1.*)
- Providing sessions for teams whenever there may be a concern about respect or valuing diversity at a work location.

Providing you with a process through which you can be heard should you feel our employment policy has not been followed. (*See Section VIII, Part 2.*)