

Board Governance Policy Manual

Code of Conduct Policy

Purpose

Board and committee members are expected to conduct themselves at all times in a manner that supports the mandate and statutory obligations of the College, and serves the overall best interests of the College rather than any particular group or constituency.

Members are held to the strictest standards of honesty, integrity and loyalty. Members must demonstrate good faith, prudent judgement, and openness in their activities on behalf of the College.

Members must avoid situations or job actions where their duties to the College may conflict with duties owed elsewhere, as set out in the Conflict of Interest Policy.

Members must respect the confidentiality of information about the College, as set out in the Confidentiality Policy and in accordance with the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c.165.

Members must not speak to or make representation on behalf of the Board, or their committee, or the College unless authorized by the president. Any board or committee member who is contacted regarding a College matter and asked to make a response publicly and/or questioned by media should refer the individual to the communications and public affairs department, as set out in the Media Relations Policy.

Members must respect and give fair consideration to diverse and opposing viewpoints.

Members must respect the authority of the president at all times.

Members acknowledge that the Board (or their committee) speaks with a united voice. Members who abstain or vote against a motion must adhere to and support the decision of the majority.

Members will be proactive in identifying and reporting any breach of this policy.

In addition to the general obligations outlined above, board and committee members commit to:

- Upholding their statutory obligations.
- Regularly attending all board or committee meetings, being on time and engaging constructively in discussions.
- Preparing for all meetings by reading the material to be well informed and able to participate effectively.
- Upholding the decisions of the Board.
- Behaving in an ethical and exemplary manner, and at all times personally modeling the College's values.
- Being respectful of others' opinions, views and cultural or linguistic diversity.
- Participating fully in board/committee performance reviews and evaluation processes.
- Endeavouring to address their own developmental needs.
- Respecting the boundaries of College employees (*the College's Respectful Workplace Policy, attached hereto, is incorporated by reference into this document*).

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Application

This policy applies to board members, committee members, and any other individual representing or doing work for the College.

I acknowledge that I have read and understood the College's Code of Conduct Policy and agree to conduct myself in accordance with it.

Signature _____

Name _____

Date _____



College of Physicians and Surgeons of British Columbia

Resource Manual

Respectful Workplace Policy

OVERVIEW

Responsibility: Human Resources
Effective: January 9, 2007
Revised: July 19, 2013 (replaced Workplace Harassment); August 4, 2016; March 14, 2018

In keeping with its values, the College promotes a positive work environment in which all individuals are treated with respect and dignity.

To this end, the College is committed to a workplace free from any form of disrespectful behaviour such as harassment (including sexual harassment) as per the BC Human Rights Code, personal or psychological harassment (including bullying) as per the *Workers Compensation Act*.

PURPOSE

In addition to informing employees of their rights and obligations under the BC Human Rights Code, the *Workers Compensation Act* and related legislation, the purpose of this policy is to inform employees of:

- their role and responsibility in regards to treating others in the workplace with respect and dignity, supporting a positive work environment
- what recourse they have when subjected to disrespectful behaviour, as defined in this policy, during the course of their employment

POLICY

The College encourages reporting of all incidents of disrespectful behaviour, regardless of who the offender may be. The College considers any form of disrespectful behaviour to be a serious offence which, in certain circumstances, may result in disciplinary action up to and including termination of employment.

The College recognizes that employees may be subjected to disrespectful behaviour by others who conduct business with the College, including board members, committee members, physicians, members of other organizations who have dealings with the College, or members of the public. In these circumstances, the College acknowledges its responsibility to protect, support and assist the employee subjected to such behaviour.

APPLICATION OF THE POLICY

This policy applies to all those working for the College in any capacity, including contract personnel, hereinafter referred to as “employees”. All employees share responsibility for understanding and preventing disrespectful behaviour in the workplace.

SCOPE

1. Harassment, including sexual harassment as prohibited under the BC Human Rights Code
2. Personal or psychological harassment (bullying), including harassment beyond prohibited grounds under the Human Rights Code, as per the *Workers Compensation Act*

This policy is in addition to and not in substitution of any rights that an individual may have to make a complaint under the BC Human Rights Code. For additional information see: <http://www.bchrt.bc.ca/>

WHAT IS NOT COVERED

What is **not** covered under personal or psychological harassment, as per the *Workers Compensation Act*, is the legitimate employer’s right to exercise management authority, including employee performance management, employee discipline up to and including termination of employment.

DEFINITIONS

Disrespectful behaviour is defined as actions or comments that are inappropriate, degrading, demeaning or otherwise offensive behaviour resulting in an uncomfortable, hostile and/or intimidating work environment. It also includes any repeated and/or unreasonable non-physical form of conduct or comment, including any form of emotional abuse. Disrespectful behaviour may be found to have taken place in and outside of the workplace. Types of behaviour considered to be disrespectful include but are not limited to:

- **Discrimination**
Unfair or differential treatment of an individual or group, whether intentional or unintentional, on the basis of one or more of the prohibited grounds in the relevant provincial Human Rights Code which include age, sex (including pregnancy), race, colour, ancestry, place of origin, religious beliefs, marital status, physical or mental disability, family status, sexual orientation, political belief, criminal conviction, gender identity or expression.
- **Harassment based on prohibited grounds under the BC Human Rights Code**
Any physical, visual, or verbal conduct, whether intended or unintended, that is either unsolicited or reasonably or ought reasonably to be known to be unwelcome, which denies individual dignity and/or respect based upon any of the prohibited grounds of the relevant provincial Human Rights Code. It may be one incident or a series of incidents depending upon the context.
- **Sexual harassment based on prohibited grounds under the BC Human Rights Code**
Unwelcome conduct that is sexual in nature which may detrimentally affect the work environment or lead to adverse job-related consequences for the victim of the harassment.
- **Personal or psychological harassment (bullying)**
This harassment is not based on any prohibited grounds under the BC Human Rights Code but does include any behaviour that intimidates, isolates, humiliates, threatens or discriminates

against a targeted individual or individuals. It may involve repeated incidents, a single serious incident or a pattern of behaviour. What is not covered under personal or psychological harassment, as per the *Workers Compensation Act*, is the employer's right to manage employees including performance management and discipline up to and including termination.

CONFIDENTIALITY

The College recognizes the difficulty an employee may experience in coming forward with a complaint as it may involve sensitive disclosures. All information is considered confidential, with disclosure only to those involved in the investigation.

Where an employee initiates proceedings or makes comments outside the College's complaint procedures, confidentiality cannot be assured.

RECORDS

All records of written complaints and investigations are filed in the office of the director, human resources, and comply with the requirements of the BC *Freedom of Information and Protection of Privacy Act* in regards to confidentiality and other matters.

COMPLAINT PROCEDURE

Informal procedure

- If possible, speak directly to the individual(s) regarding the disrespectful behaviour and state clearly that you want the behaviour to stop immediately. Many problematic situations can be remedied quickly and effectively in this manner and the sooner you speak with the offender(s) the sooner the disrespectful behaviour may stop. Make notes of date, time, place and any other information you feel could be relevant.
- If you are not comfortable for any reason speaking directly with the offender(s) or if the behaviour hasn't stopped after voicing your complaint, take the matter to your supervisor or to human resources who will either work with you to reach an informal resolution or, if necessary, assist you in making a formal complaint.

Formal procedure

A formal complaint is to be made in writing to the chief operating officer or the senior deputy registrar. The employee making the complaint can seek the assistance of human resources in drafting the written complaint.

The College will respond to the complaint within seven days if an investigation is warranted, the steps will be determined by the nature of the complaint and will take into consideration the following:

- the nature the allegations
- the urgency of the situation
- the rights of both the complainant and the alleged offender
- privacy legislation, including confidentiality of information

The College may retain an independent third party to investigate the complaint. The decision to do this would be at the discretion of the College.

DISCIPLINARY ACTION

The registrar, in the case of employees, and the president, in the case of the registrar and board members, is responsible for imposing disciplinary measures when a complaint is found to have been substantiated.

Employees against whom a complaint is substantiated may be disciplined up to and including dismissal. This policy will be applied without regard to status or seniority. Disciplinary actions may include, but are not limited to:

- a private reprimand
- withholding a promotion
- reassignment
- probation
- referral to counselling
- temporary suspension without pay
- dismissal

Board or committee members against whom a complaint is substantiated may be disciplined up to and including a reprimand by the president. Disciplinary actions may include but are not limited to:

- referral to counselling
- reassignment
- removal from all committees
- a private reprimand
- public reprimand by the Board
- with regard to public representatives of the Board, referral of the results of an investigation to the lieutenant governor in council

INFORMING COMPLAINANT AND RESPONDENT

The complainant and the respondent will be informed in a timely manner of the outcome of the investigation and any disciplinary action taken by the registrar or the president. If the complainant or respondent is not satisfied with the outcome of the investigation or the disciplinary action, the complainant will be reminded of the continuing right to file a complaint with the British Columbia Human Rights Tribunal.

MALICIOUS COMPLAINTS

Where as a result of an investigation the registrar or the president, as appropriate, determines that an employee has initiated a complaint with malice or in bad faith, then formal disciplinary action may be taken against that employee. Formal disciplinary actions may include, but are not limited to, those identified above.

Conduct based on mistakes, misunderstandings or misinterpretations is not the same as malicious conduct.

RETALIATION IS UNACCEPTABLE

The College encourages employees to express freely, responsibly, and in an orderly way opinions and feelings about disrespectful behaviour. Retaliation against persons who oppose or complain about disrespectful behaviour is unacceptable. Retaliation is any action taken against an individual for:

- having invoked this policy on behalf of oneself or another individual
- having participated or cooperated in any investigation under this policy
- having been associated with a person who has invoked this policy or participated in these procedures

LINKS

The following are a number of websites which will provide additional information and background related to this policy.

- BC Human Rights Tribunal
<http://www.bchrt.bc.ca/index.htm>
- Personal or psychological harassment (bullying):
 - *Workers Compensation Act*
<https://www.worksafebc.com/en/law-policy/workers-compensation-law/workers-compensation-act>
 - WorkSafeBC Safety at Work Bullying and Harassment Information
<https://www.worksafebc.com/en/health-safety/hazards-exposures/bullying-harassment>
- Privacy legislation in BC
 - BC Privacy Statement
<http://www2.gov.bc.ca/gov/admin/privacy.page>
 - *Freedom of Information and Protection of Privacy Act*
http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00