

MUSIC BC POLICY FOR PROMOTING A RESPECTFUL WORKPLACE

1. Purposes

The purposes of this policy are to:

- a. encourage respect for the dignity of all individuals bound by the policy;
- b. maintain a working environment that is free from discrimination, bullying and harassment;
- c. demonstrating that Music BC takes these issues seriously and promotes a respectful workplace; and
- d. encouraging prompt resolution of instances of bullying, harassment and discrimination.

2. Application

2.1 Music BC Members and Program Participants

This policy applies to all Music BC staff, board members, association members, third-party contractors, program partners, program participants, affiliated industry professionals, service providers, and volunteers (the “Music BC Members”).

2.2 Location

This policy applies to any:

- a. work-related environment, including the office, locations where the business of Music BC is being carried out, off-site work assignments, telephone and electronic communications, etc.;
- b. official and unofficial work-related social functions;
- c. Music BC-run program locations;
- d. work-related conferences or training sessions; and
- e. work-related travel.

3 Commitment

Music BC 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 or participate in a

professional atmosphere that is equitable, respectful, and free from bullying, harassment, and discrimination.

Workplace bullying, harassment, and discrimination will not be tolerated. Music BC encourages reporting of all incidents of workplace harassment, regardless of who the offender may be. Music BC recognizes that its members may be subjected to discrimination, bullying and harassment in the workplace, not only by coworkers, but also by members of the public, affiliates, or others who conduct business with Music BC. In such circumstances, Music BC acknowledges its responsibility to support and assist the person subjected to such bullying, harassment, or discrimination.

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 a complaint under this policy (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.

5 Legal Background

Section 13 of the *BC Human Rights Code* prohibits discrimination in the workplace. The Policy is in addition to, and not in substitution for, such rights as an individual may have under the *BC Human Rights Code*.

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 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”). 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.

7 Rights

Every Music BC Member has the right to a respectful workplace, and the right to enforce his or her rights under this policy.

8 Music BC Member responsibilities

Every Music BC Member 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 Music BC Members;
- 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; and
- f. respecting the rights to personal dignity, privacy, and confidentiality pertaining to this policy.

9 Complaints

9.1 Email Address for Complaints or Reports

Complaints or reports regarding a violation or suspected violation of this policy may be made by email to Executive Director Lindsay MacPherson at lindsay@musicbc.org.

9.2 Notice to the Respondent

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

- a. a copy of this policy;
- b. 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 Music BC and others.

9.3 Informal complaint procedure

Where appropriate, a Music BC advisor 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 the advisor, 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 advisor will make a confidential written record of the resolution. The written record will be signed by both parties, and both parties will be provided with a copy of the resolution.

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

9.4 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 and an investigation may be initiated.

At any time after a formal complaint has been initiated, the complainant may make a request to the Music BC Executive Director for temporary accommodation until the complaint resolution process comes to an end. Every effort will be made to reasonably accommodate the complainant.

10. External Procedures

While Music BC is committed to resolving incidents of bullying, harassment, and discrimination internally, nothing in this policy precludes Music BC Members from pursuing other avenues of redress, including making a complaint under the *Criminal Code* or the *BC Human Rights Code*.

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:
 - questions or remarks about sex life
 - propositions of physical intimacy
 - remarks about physical appearance
 - requests for dates or sexual favours
 - offers of benefits in return for sexual favours
- 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 Music BC Member 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