

# Respect in the Workplace Policies

*From Western Regional Conference*

*Matt Reid*

**UNBC FA (VP)**

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# Outline

- Legislative framework
- Common structures and implementations
- Relationship to Academic Freedom
- Core elements of RIWP policies: the good, the bad and the ugly
- Discuss **UNBC does not require RIWP**
  - Exp... AF
  - Exp... A's
  - Pointers, tips, suggestions when looking at developing/revising RIWP policies

# Legislative Framework

## Human Rights

BC Human Rights Code  
AB Human Rights Act  
SK Human Rights Code  
MB Human Rights Code



Harassment &  
Discrimination policies

## Occupational Health & Safety

BC Workers Compensation Act  
SK Occupational Health &  
Safety Act  
MB Workplace Safety and  
Health Act

\*AB: 2016 private members bill to  
legislate H&D policies



Bullying and  
Harassment Policies



**Not legislatively  
required**

Respectful workplace policies



# What is driving RIWP policies

- Mechanisms for enforcement of employee behaviour control is likely to be embraced by administration fully and enthusiastically
- Liability for creating conditions that lead to mental disorders, especially in the face of a lack of understanding

## BC Worker's Compensation Act

**5.1** (1) Subject to subsection (2), a worker is entitled to compensation for a mental disorder that does not result from an injury for which the worker is otherwise entitled to compensation, only if the mental disorder

(a) either

**(i) is a reaction to one or more traumatic events arising out of and in the course of the worker's employment, or**

**(ii) is predominantly caused by a significant work-related stressor, including bullying or harassment, or a cumulative series of significant work-related stressors, arising out of and in the course of the worker's employment,**

# What do these policies look like

Codes of conduct  
(many of which are  
codified in CA's)

Harassment &  
Discrimination  
(Human Rights)

Bullying &  
Harassment  
(Employment Acts)

RIWP  
(Not  
legislated)



Collective Bargaining

Tension



Management policy

Personal opinion: Combining RIWP with H&D or B&H elevates status and should be avoided



intimidation

# Core elements of RIWP policies

- Relation to Collective Agreements
- Relation to Academic Freedom
- Definitions
- Education

# Relation to collective agreements

- Invariably, CA's have discipline articles
- Almost certainly, those discipline articles have a standard for investigations
- Most commonly: Natural Justice
- Policies that can impose discipline must be compatible with the CA
- Necessary: principles for conducting investigations should be outlined



# Relation to CA's: the good

- **2. Scope and Application**
- 2.1 Subject to applicable legislation, this Policy will not be interpreted or applied so as to limit or amend the provisions contained in any Handbook, collective agreement or employment manual entered into between the University and its employees.

(U. Lethbridge)

# Relation to CA's: the bad

## 4.7 Disciplinary Options

- “...Any disciplinary action taken by the Designated Authority is subject to the grievance-arbitration process of the applicable collective agreement in the case of employees, or is subject to appeal to the Council Discipline Committee in the case of students.”
- U. Regina

# Relation to CA's: the ugly

- “AVP (PODR) will decide on the most appropriate way to respond to a breach of the Policy, consistent with management rights, principles of law and the specific provisions of the collective agreements. “
- UNBC

# Relation to AF: the good

- “Excellence in learning, research and work in the university community is fostered by promoting the freest possible exchange of information, ideas, beliefs and opinions in diverse forms, and it necessarily includes dissemination and discussion of controversial topics and unpopular points of view. Respect for the value of freedom of expression and promotion of free inquiry are central to the University’s mission. “
- UBC

# Relation to AF: the ok

## “Balancing of Rights

- 2.20 Nothing in this Policy or the Procedure is intended to detract from the academic freedom of the University’s Academic Staff. “
- U. Manitoba

Note: this relies on continual bargaining of good AF language in the CA.

# Relation to AF: the ugly

- RRU: No mention of Academic Freedom

# Definitions: the good

- “A determination that disrespectful behaviour, including bullying or harassment, has occurred is based not only on what the alleged perpetrator and target of the disrespectful behaviour actually experienced, knew, or understood about each other and the situation, but on what a reasonable person in each of their circumstances would have experienced, known or understood, taking into account the full context of the situation. “
- UBC
- Note: Standard of reasonableness set

# Definitions: the ok

- “conduct interactions in a mutually respectful manner, respecting the personal dignity of all, while not limiting the right of participants to challenge beliefs, views and opinions and to engage in rational debate. “
- Mount Royal University
- Note: No standard set



# Definitions: the ugly

## “Disrespectful behaviour

- Acting in a manner that would not be considered, polite, courteous, civil, considerate, or professional in nature. A difference of opinion, including the forceful expression of such a difference is not disrespectful.

## Courteous Behaviour

- Acting and communicating in a manner professional in nature supporting appropriate email and verbal communication free of sarcasm, tone, and inappropriate etiquette. “
- UNBC
- Note: No standard set, completely subjective

# Education: the good

- “It is the responsibility of each Vice President, in cooperation with Human Resources, to ensure that those in supervisory or leadership roles in their portfolio have access to the proper training necessary to understand rights and responsibilities in a respectful working, learning and living environment, including their own responsibility to recognize, investigate, respond to, and manage complaints of harassment and to educate those they supervise or lead regarding those rights and responsibilities.
- Education, increased awareness and prompt action are vital to create and maintain respectful working, learning and living environments at UBC. The University must provide training, support and resources to raise awareness about the principles of a respectful working, learning and living environment and to address concerns in a positive and effective manner when they do occur. “
- (UBC) Note: responsibility and commitment

# Education: the OK

- “2.6 Managers, Academic Staff and Unit Heads must encourage a respectful environment within the work and learning environments for which they are primarily responsible. They are expected to identify and address issues of concern in a timely manner, recognizing the value of early intervention. The University will provide training and resources to assist managers, Academic Staff and Unit Heads to fulfil these expectations. “
- U. Manitoba
- Note: no responsibility identified

# Education: the ugly

- No mention
- UNBC (and others)

# Discussion questions

- Discussion
  - Experiences with RIWP related to AF
  - Experiences navigating RIWP vs. CA's
  - Pointers, tips, suggestions when looking at developing/revising RIWP policies

**Overwhelming response: DON'T  
implement RIWP's**

# Conclusion: UNBC should not have RIWP policy

- Not required
- Appears to be intended to be applied in an unreasonable way
- It exceeds even common sense definitions of respectful behaviour for adults
- It is unworkable and inconsistent with CA
- Potential infringement on academic freedom is too large of a risk for a university to take