

Respectful Workplace

Human Resources

PURPOSE

Creative BC serves to unite and champion the success of BC's diverse and distinctive creative sector.

Creative BC values its employees and partners and is committed to providing a work environment that upholds the principles of respect, inclusiveness, fairness and equity. Creative BC has policy, procedures, education, training and expectations to create and support a respectful workplace.

STATEMENT

All Creative BC employees, board members, interns, volunteers, contractors, service providers, external guests and visitors interacting with or attending Creative BC worksites are expected to treat each other with dignity and respect and refrain from discrimination, harassment, bullying or other disrespectful behaviour.

Creative BC will not tolerate discrimination, harassment, bullying or disrespectful behaviour by anyone. These behaviours have the effect of creating an intimidating, hostile or offensive work environment.

Creative BC employees, board members, interns, volunteers and contractors are accountable for their own behaviour and are expected to conduct themselves in a respectful and appropriate manner at all times. As representatives of Creative BC, we are ambassadors and will behave in accordance with this policy whether in our workplace or at other locations for meetings or work related events.

Anyone who is found to have violated this policy will be subject to a range of corrective measures, up to and including termination of employment or contract, removal from a position, and/or revocation of access to Creative BC's premises and its employees.

This policy does not limit the ability of supervisors to manage employees in order for Creative BC to meet its goals, objectives and strategies. Supervisory responsibilities such as providing work direction, addressing interpersonal conflicts and managing performance including providing feedback for improvement are reasonable and acceptable under this policy unless such management functions are carried out in an abusive or threatening manner.

SCOPE + APPLICATION

The prohibited conduct described in this policy and expectations for appropriate behaviour apply to all persons interacting with or attending at Creative BC worksites including employees, board members, interns, volunteers, contractors, service providers, external guests and visitors.

Creative BC has limited authority and control over persons who are not employees of Creative BC and as such will take reasonable steps to coordinate with the employer of contractors, and with service providers and other third parties with respect to addressing any potential violations of this policy.

Conduct prohibited by this policy can occur directly from person to person and via electronic communications including e-mail, internet and social media, whether used or engaged in at Creative BC worksites or off-site with personal equipment/devices.

RESPONSIBILITIES

Under this policy, every Creative BC employee and other persons attending at or interacting with Creative BC worksites have specific responsibilities for contributing to a respectful workplace.

Employees, interns, volunteers and contractors will:

- conduct themselves in a respectful and appropriate manner;
- comply with this policy by not engaging in discrimination, harassment, bullying or disrespectful behaviour;
- participate in training on this policy (as applicable);
- report incidents of discrimination, harassment, bullying or disrespectful behaviour which are experienced or observed; and
- participate in the investigation process of potential violations of this policy.

Managers, supervisors and board members will:

- conduct themselves in a respectful and appropriate manner;
- comply with this policy by not engaging in discrimination, harassment, bullying or disrespectful behaviour;
- participate in management-specific training on this policy;
- create a respectful work environment by taking reasonable steps to ensure it is free from discrimination, harassment, bullying or disrespectful behaviour;
- intervene when any unacceptable behaviour is observed whether or not it is reported; and
- facilitate, support and participate in the investigation process of reported incidents.

Employer will:

- provide education and training to support this policy;
- provide established procedures for reporting, investigating and resolving complaints;
- comply with this policy by not engaging in discrimination, harassment, bullying or disrespectful behaviour; and
- conduct an annual review of the policy, procedures and any related forms.

DEFINITIONS

Respectful Workplace: any work environment, on or off-site, where Creative BC employees, board members, interns, volunteers and contractors are polite and considerate of others; communications are thoughtful, transparent and timely; activities are inclusive and sensitive; feedback is immediate and constructive; and disagreements or disputes are resolved by maintaining the dignity of the parties involved and creating developmental resolutions. A respectful workplace:

- promotes positive communication
- embraces diversity and equality
- values dignity of the person
- encourages fair and respectful treatment
- encourages thinking about how other people want and deserve to be treated
- applauds polite, courteous and considerate conduct
- promotes collegiality and team work
- supports an inclusive atmosphere
- promotes active listening
- promotes the sharing of opinions and ideas in an open-minded environment
- encourages positive feedback for ideas, suggestions or work that is accomplished well
- encourages thinking before we act or speak or type
- encourages considering how our actions affect others

Disrespectful Behaviour: refers to any behaviour which is prohibited by this policy including discrimination, harassment and bullying. Disrespectful behaviour also includes behaviour that detracts from maintaining a respectful workplace where employees, board members, interns, volunteers and contractors feel respected, valued and safe.

Complainant: a person who believes they have been harassed, bullied or discriminated against and who seeks recourse under this policy.

Respondent: a person against whom an allegation of discrimination, harassment or bullying is made under this policy.

Investigator: the Director of Business Operations at Creative BC or authorized designate who determines the facts of a complaint and documents findings. An external investigator may be appointed by Creative BC. Based on the investigation, the Investigator will prepare a confidential report with findings of fact, conclusions and recommendations and/or remedies for the CEO (or Board Chair if the complaint is about the CEO).

Prohibited ground: refers to the prohibited grounds articulated in the BC Human Rights Code, ie. race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex (includes pregnancy), sexual orientation, age, gender identity or expression, and conviction of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

Bullying: A form of harassment that is marked by the intentional, persistent attempt of one or more persons to intimidate, demean, torment, control, mentally or physically harm or isolate another person(s).

Harassment: Harassment may be based on one of the prohibited grounds of the BC Human Rights Code or personal harassment.

Discriminatory harassment: Any unwelcome conduct, comment, display, action, or gesture related to any of the Prohibited Grounds of Discrimination that negatively affects the work environment or leads to adverse job-related consequences for the victim of the harassment. The conduct does not have to be directed at a specific individual or be intentionally offensive to be considered harassment. Harassment includes conduct that the person engaged in the harassment ought to have known would be unwelcome.

Sexual harassment: Any unwelcome conduct, comment, display, action or gesture or contact of a sexual nature. Sexual harassment includes, but is not limited to, unwanted physical contact, sexual advances, requests for sexual favours, sexual innuendo, suggestive or offensive comments or gestures emphasizing sexuality or sexual identity, and any conduct that reasonably leads to the perception that a condition of a sexual nature is being placed on a person's employment or any opportunities for persons in the workplace.

Personal harassment: A type of harassment that is not related to one of the Prohibited Grounds of Discrimination. Personal harassment is any inappropriate conduct, comment, display, action, or gesture by a person towards another person that the first person ought to have known would cause the other person to be humiliated or intimidated.

To constitute personal harassment there must be: a) repeated conduct, comments, displays, actions or gestures; or b) a single serious occurrence of conduct, or a single serious comment, display, action or gesture that has a lasting, harmful effect on a person.

Personal harassment includes verbal or physical abuse, threats, violence, bullying, insults, belittling comments, or intimidation, and subtler forms of harassment such as unwelcome non-verbal gestures, manipulation, ignoring or isolating a person or treating a person adversely for no legitimate work purpose.

Bullying and Harassment DO NOT include:

Management of the workforce: Harassment may occur because of an abuse of authority. However, supervision, direction or management of employees undertaken in a good faith manner for a work-related purpose does not constitute harassment. For example, harassment does not include changes to working conditions, corrective action, discipline, termination of employment, decisions relating to workload and deadlines, performance evaluation, transfers, changes in job duties, lay-offs, demotions and reorganizations unless such conduct is carried out in an abusive or threatening manner or is intended to cause emotional harm.

It is not harassment for a manager or supervisor to informally or formally investigate behaviour or incidents of concern that occur at or arise from the workplace by interviewing employees unless an interview is carried out in an abusive or threatening manner or intended to cause emotional harm.

It is not harassment for a supervisor or manager during an investigation to warn an employee of the disciplinary consequences that may result from failure to comply with this Policy including engaging in bullying and harassment, failing to cooperate with the company's investigation, failure to report bullying and harassment, breaching confidentiality or retaliation .

Interpersonal conflict between persons at the workplace is not harassment unless the conflict results in behavior that is considered threatening or abusive. Expressing differences of opinion is not harassment.

Conduct unrelated to an employee's employment is not harassment. Personal disputes over non work-related matters should not be engaged in at the workplace. Disputes over work-related matters should be resolved respectfully between the persons involved or with the assistance of a supervisor, manager or human resources.

GENERAL PROCEDURES

Creative BC recognizes that from time to time disagreements or conflicts may arise in the workplace. When this occurs, it is expected that employees consider Creative BC's Principles of Design for a Positive Organization and utilize their skills to resolve disagreements or conflicts in a timely way with respectful and open discussion.

Creative BC expects prompt reporting of all incidents of discrimination, harassment, bullying or other disrespectful behaviour.

Under this policy, complaints of harassment or bullying may be dealt with independently and directly or may be reported to any manager, the CEO, the Board Chair or the Conflicts of Interest Committee as stated below. An individual who brings forward a complaint (the Complainant) may address the issue directly with the Respondent or through an informal or formal process, as described below.

- Complaints should be brought forward promptly, and in any event, must be brought forward within 6 months of the date from which the incident (or last incident, in the case of a series of incidents) occurred.
- In the event a complaint of discrimination, harassment or bullying behaviour involves an employee's manager, the employee may approach another manager, the Director of Business Operations, the CEO or the Board Chair to report the incident. In the event a complaint involves a Board member, the Complainant may approach the Board Chair or the Conflicts of Interest Committee to report the incident.
- The Complainant may request termination of the complaint or their participation in the complaint process at any time. Creative BC will consider this request and reserves the

right to continue the process or take any other actions necessary to ensure that any workplace discrimination, harassment or bullying incidents are appropriately addressed.

Direct Communication

A Complainant who believes that they have been subject to discrimination, harassment or bullying is encouraged to bring the matter to the attention of the person believed to be responsible for the conduct (the Respondent).

The Complainant may communicate with the Respondent verbally or in writing and may choose to be accompanied by a support person when approaching the Respondent. The Complainant should describe to the Respondent the unwanted conduct, the effect of the unwanted conduct and request that the conduct stop.

Informal Resolution

Where a Complainant does not wish to bring the matter directly to the attention of the Respondent or where this approach has not been successful, the Complainant may go to their manager, the Director of Business Operations, the CEO or the Board Chair or Conflicts of Interest Committee (as stated above) to obtain assistance in resolving the situation through an informal process. Informal resolution options include, but are not limited to: facilitated face to face meetings, mediation or a conflict resolution process. At the end of the process, the parties will sign a letter stating that a mutually acceptable resolution has been agreed to and will be implemented. A copy of the letter will be in a confidential file accessible only by the CEO and authorized members of the management team, or the Board Chair or Conflicts of Interest Committee in the event of a complaint against the CEO.

Formal Resolution

If an informal process does not resolve the issue, or if the Complainant does not wish to attempt an informal process, the Complainant may initiate a formal complaint. All formal complaints should be made promptly and not later than six (6) months from the date of when the last incident of the alleged conduct occurred.

The Complainant and/or the Respondent may, at any time during the formal process, seek to resolve the complaint informally with the assistance of the appropriate Creative BC leadership. In some circumstances, at the discretion of Creative BC, an external conflict resolution professional may be utilized.

Formal Complaint Process

1. The Complainant provides a completed Complaint form to the CEO, Board Chair or Conflicts of Interest Committee containing all of the required information.
2. The Complaint Form will be reviewed to determine, based on its contents, whether or not there is a potential violation of the policy. If it is determined that there is a possible violation of the policy, the Respondent will be notified in writing within seven (7) calendar days that a formal complaint has been made and of his/her option to submit a written response to the complaint within another seven (7) calendar days. A copy of the Complaint Form and this policy will be provided to the Respondent.
3. The Respondent's written response will be provided to the Complainant.

4. The Complaint, the response and any other evidence will be reviewed to determine whether a potential violation of the policy has occurred.
5. If it is determined that a potential violation of the policy has occurred and there are facts in dispute, the CEO will arrange, as expeditiously as possible, for an investigation of the Complaint to determine whether or not discrimination, harassment or bullying has occurred.

Investigations

Investigations under this policy, whether carried out by a trained individual internal to Creative BC or by an external investigator appointed by Creative BC, will be undertaken as quickly as possible and will:

- Include conducting personal interviews with the Complainant, Respondent(s) and any witnesses the Investigator deems relevant;
- Accord fair and impartial treatment to the Complainant and the Respondent;
- Involve gathering and analyzing relevant evidence and documentation including a review of related organizational policies;
- Respect the confidentiality of the parties involved to the extent possible to carry out a fair, impartial and thorough investigation;
- Incorporate, where appropriate, any request for support or assistance from either the Complainant or Respondent.

Should the Complainant or the Respondent deem it necessary to obtain legal representation, payment for such services will be the full responsibility of the Complainant or Respondent and such legal representation may not interfere with the investigation.

The Investigator will prepare a confidential written report at the conclusion of the investigation. The report will include findings of fact, conclusions and recommendations and/or remedies and be provided to the CEO, Board Chair or Conflicts of Interest Committee.

At the conclusion of the investigation, the Complainant and the Respondent will be advised of any relevant findings, recommendations/remedies and timelines for implementation, if any, to resolve the complaint. The Investigator's report will not be provided to the Complainant or Respondent.

Any witnesses who participated in the investigation will be advised that it has concluded.

CONFIDENTIALITY

Handling complaints of discrimination, harassment or bullying requires the collection, use and disclosure of sensitive personal information. Confidentiality is required so that those who have experienced discrimination, harassment or bullying will be free to come forward with their complaint and also so that the interests of those involved in the complaint are protected.

Confidentiality is not the same as anonymity. Anyone involved in complaints of discrimination, harassment or bullying must make every effort to keep all information pertaining to the complaint confidential except to the extent necessary to properly and fairly investigate and resolve the issue. While every effort will be made to preserve the confidentiality of the complaint, the Complainant must recognize that the Respondent(s) will be made aware of the details of the complaint, including the name of the Complainant, and will be given an opportunity to respond. In addition, the Investigator may interview other persons who may have relevant information about and/or who may have witnessed the

relevant incident(s). Names and details will be identified as necessary to conduct a proper and fair investigation and implement any corrective and/or remedial action.

All information pertaining to complaints filed under this policy is deemed to be protected from disclosure under relevant legislation. Creative BC will treat all disclosed information related to a complaint as submitted in confidence and will keep this information in a secure location, accessible only by the CEO and authorized members of the management team, the Board Chair or the Conflicts of Interest Committee in the case of a complaint against the CEO.

Anyone who is found to have breached the confidentiality of any aspect of a complaint is considered to have violated this policy and may be subject to a range of corrective measures, up to and including termination of employment or contract or removal from a position.

Creative BC remains permitted to collect, use and disclose personal information pursuant to applicable laws.

VEXATIOUS COMPLAINTS

Creative BC recognizes that false accusations of discrimination, harassment or bullying may have serious impacts on innocent people. Anyone who makes a frivolous, vindictive or vexatious complaint may be found to have violated this policy and be subject to corrective measures, up to and including termination of employment or contract or removal from a position.

RETALIATION

Retaliation against another individual for initiating a complaint, participating in an investigation under this policy or associating with another individual who initiated a complaint or participated in an investigation is prohibited and may be subject to corrective measures, up to and including termination of employment or contract or removal from a position.

EMPLOYEE RIGHTS

An employee who initiates a complaint under this policy retains the right to pursue resolution through the BC Human Rights Tribunal or WorkSafe BC. If an employee chooses to pursue a course of action with the BC Human Rights Tribunal or WorkSafe BC, Creative BC is not obligated to provide financial support or any other resources.

Questions about this policy may be directed to the employee's manager.

There is a Statement of Commitment found at the end of this policy. All new employees will be required to review this policy and sign the commitment in their first week of employment. All employees will be required to sign the Statement of Commitment on an annual basis. It is the manager's responsibility to ensure that there is a signed Statement of Commitment in each of their employee's Employee File.