

Purpose:

- The Respectful Workplace Procedures are an addendum to the [Respectful Workplace Policy](#), and outline the Procedures for Individuals (as defined within Scope) to use for addressing respectful workplace concerns.
- Individuals wishing to report concerns regarding Medical Staff, Resident Doctors or Medical Students should refer to the [Respectful Workplace Procedures for Medical Staff, Resident Doctors and Medical Students](#).

Cultural Safety and Humility:

Island Health offers programs and services on the unceded and traditional territories of the Coast Salish, Nuuchah-nulth, and Kwakwaka'wakw Peoples.

As a signatory to the 2015 Declaration of Commitment to Cultural Safety and Cultural Humility, Island Health is committed to addressing the ongoing impacts of colonialism and Indigenous-specific Racism in order to provide a culturally safe, inclusive, healthy and respectful environment.

The organization is committed to strengthening diversity, equity and inclusion to enable excellence in health and care for everyone, everywhere, every time. Through these commitments, Island Health strives to deliver the highest possible standard of care and to promote safe workplaces.

Scope:

Audience:

- Board of Directors
- [Employees](#)
- [Medical Staff](#)
- [Health Care Professionals](#)
- [Contracted Healthcare Professionals](#)
- [Contractors](#)
- [Residents](#)
- [Students, trainees and educators](#)
- [Volunteers](#)

Note: This group will hereby be referred to as “Individuals” within this Policy.

Note: Does not replace professional Codes of Ethics or Bylaws.

Individuals covered under a professional Code of Ethics are expected to practice according to their profession’s Code of Ethics as well as this Policy.

Environment:

- Island Health-wide
- All Island Health workplaces and care environments including affiliate care sites

Note: For purposes of this Policy, workplace refers to both place of work and place of volunteering.

Indications:

- When addressing respectful workplace concerns brought forward by Individuals in relation to other Individuals.
- For situations that involve patient/client or visitor behaviour towards an “Individual” as defined above, please refer to the [Domestic, Targeted Violence in the Workplace Policy](#), [Visitors who Pose a Risk to Health and Safety in Health Care Facilities](#), and [Workplace Violence Prevention Program](#).

Exceptions:

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Issuing Authority:	Vice President, People and Communications				
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP

- Does not apply to Individuals associated with Foundations.
- For concerns relating to Indigenous-specific Racism and Discrimination, refer to the [Indigenous-specific Anti-Racism and Discrimination Policy](#) and [Procedure](#).

Outcomes: • Following the processes outlined in these procedures will allow employees and non-medical students to raise their respectful workplace concerns in a manner that will provide an objective review of the concern, options for addressing the issue, and appropriate remedies that will support a respectful work environment for all Individuals.

1.0 General

- Island Health is committed to promoting a workplace that is physically, psychologically and culturally safe for all Individuals while acknowledging that disagreement and interpersonal conflict are likely to occur in the workplace and that, occasionally, we may disagree with a colleague, a manager or someone else in our workplace. Conflict and disagreements are normal and healthy part of working life.
- Island Health strives for:
 - A culture and climate where conflicts can be resolved in a constructive and supportive way.
 - All Individuals, union officials and others working together to find mutually acceptable outcomes to conflict.
 - Actively encouraging and supporting such resolution processes
 - Promoting dialogue. Where dialogue doesn't work or is not suitable, we will seek the most appropriate and constructive remedy to the conflict, concern or complaint for all concerned.
- These Procedures provide navigation to all parties regarding Island Health's Respectful Workplace processes for responding to respectful workplace concerns including:
 - Allegations of [Bullying and Harassment](#) and [Discrimination](#) are underpinned by Island Health's desire for all Individuals, wherever possible, to be supported in working through their differences together, maintaining an environment of respectful disagreement and constructive management of conflict. The ultimate goal is greater shared understanding, mutual respect, and a productive, rewarding work environment that supports our mission, vision, and values.

2.0 Procedure

2.1 Reporting a Concern

- Individuals have the right to report their concerns and to have those concerns resolved in a timely and appropriate fashion. Whenever reasonable and safe, direct, local and restorative approaches to resolve matters are preferable as they focus on rebuilding and repairing relationships.

2.1.1 Concerns Regarding Individuals

- Where an attempt or multiple attempts to address a concern through immediate and direct resolution (or with support from a leader or delegate) have not been successful; **or** where there is reasonable basis for not attempting to address the concern through immediate/direct approaches (i.e., it would not be safe to do so or it involves your Leader,), you should report your concern to Island Health's Respectful Workplace Team respectfulworkplace@islandhealth.ca. A member of the Respectful Workplace Team will contact you to complete a consultation and assessment of your concern.

Maintained by:	Employee Relations					
Issuing Authority:	Vice President, People and Communications					
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP	Page 2 of 15

- Employee, Volunteer, or Healthcare Professional concerns regarding Medical Staff, Resident Doctors or Medical Students can be reported to Medical and Academic Affairs or Island Health's Respectful Workplace Team. The concern will be supported through the Respectful Workplace Procedures for Medical Staff, Resident Doctors and Medical Students.

2.1.2 Non-Medical Students Reporting Concerns Regarding Individuals

- Non-medical students should report concerns in accordance with the Practice Education Guidelines regarding [Respectful Practice Education Experiences](#). Alternatively, students can contact Island Health's Respectful Workplace Team to report concerns or for a confidential consultation. Island Health will work with the student and their Post Secondary Institution Educator to respond to any complaints in accordance with these Procedures.

2.1.3 Reporting Indigenous-specific Racism and Discrimination

- Anyone wishing to report a concern relating to Indigenous-specific Racism and Discrimination can contact ISARreports@islandhealth.ca or respectfulworkplace@islandhealth.ca.

2.1.4 Reporting Concerns Regarding Patients, Clients and/or Visitors

- Individuals wishing to report concerns of unsafe behavior from patients should report the behaviour to their immediate supervisor or Leader and the [Patient Safety Learning System](#).
- The supervisor or Leader will follow up and determine an action plan to eliminate or address the concern and will record actions taken in the incident investigation tool.
- Questions about reporting concerns or available supports and services can be directed to respectfulworkplace@islandhealth.ca.

2.1.5 Reporting a Workplace Incident, Injury or Violence

- Individuals except for Volunteers who have suffered psychological injury or missed time from work are required to report the incident to the Provincial Workplace Health Contact Centre (PWHCC) at 1-866-922-9464 to initiate a workplace incident report and the WorkSafe BC claims process.
- Volunteers who have suffered psychological injury or missed time from volunteering are required to report the incident to the Volunteer Resources and Engagement team.
- Individuals should immediately report incidences of violence to [Protection Services](#).

2.2 Procedures for Addressing Respectful Workplace Concerns

- Every situation is different and will need to be handled appropriately based on the context. There are a number of approaches that might be taken to attend to concerns that fall within the scope of the [Respectful Workplace Policy](#).
- Island Health retains the right to make decisions regarding resolution approaches to address respectful workplace concerns that are brought forward.
- Respectful Workplace may, at their sole discretion, redirect a concern to a Partner in Human Resources should the reported conduct require immediate attention or where there is an internal or external organizational risk.
- In cases where multiple concerns indicate a broader cultural or systemic issue, a Partner in Human Resources will be informed to support Leadership with identifying the root cause and other steps as recommended by Occupational Health & Safety (e.g. risk assessment).

Maintained by:	Employee Relations					
Issuing Authority:	Vice President, People and Communications					
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP	Page 3 of 15

2.2.1 Local Level Resolution

○ Immediate and Direct Resolution

- Anyone who believes they are being subjected to Disrespectful Behaviour in the workplace is encouraged, if reasonable and safe, to speak directly with the Individual(s) demonstrating the behaviour of concern. Addressing the behaviour quickly and directly is one of the best mechanisms to bring about resolution. The following process may be considered:
 - Ask the other person to meet at a convenient time and in a private place to engage in cooperative problem-solving. You may choose to have someone with you to act as a witness, observer and support person. You may also wish to contact the Employee Family Assistance Program (EFAP) if applicable, for support and assistance in preparing for this conversation. The Respectful Workplace team can also provide conflict coaching support in preparing for direct resolution conversations.
 - Raise the issue with the other person in a way that helps them understand the concern and achieve resolution by:
 - Attempting to understand the values of the person as well as Island Health's values.
 - Describing the unsafe behaviour rather than labelling the person.
 - Expressing how the observed behaviour made you feel.
 - Drawing clear boundaries by communicating to the person what behaviours will not be tolerated and what consequences may occur if the unsafe behaviours continue.
 - Responding to microaggressions with courage and maintain professional boundaries.
- Determine if the issue is successfully resolved.
 - If immediate and direct approach does not result in a successful resolution to the concern, or if the person refuses to participate, you can request a meeting with your Leader, or in their absence, a delegate, OR
 - [Document the actions taken and report the concern](#) to the Respectful Workplace Team.

2.2.2 Leader Support

- A key responsibility of any Leader at Island Health is to help foster a safe work environment by attending to the prevention and early, informal and/or formal resolution of interpersonal conflicts, with careful attention to underlying and contributing issues.
- If you have been unsuccessful at speaking to the other party directly, or there is a barrier to you doing so, you may approach your Leader for assistance. If, for any reason, you feel uncomfortable in approaching your Leader, you can speak to the next level of leadership or report the concern as above.
- Leaders will make every effort to respond to concerns raised in the following ways:
 - Attempt to assist the Individual by:
 - Hearing the concern
 - Acknowledging the impact on the Individual
 - Clarifying what the Individual wants and needs
 - Mobilize any necessary supports for the Individual

Maintained by:	Employee Relations					
Issuing Authority:	Vice President, People and Communications					
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP	Page 4 of 15

- Explore a variety of local resolution options with the Individual. Possibilities include, but are not limited to, facilitating a conversation between the Individuals.
- Requesting consent to contact the other person to explore ways of resolving the concern.
- Engaging the Respectful Workplace team and/or a Partner in Human Resources if further supports are warranted, or if the issue is not successfully resolved based on the local level supports provided by the Leader.

2.2.3 What Happens After a Report is Made

○ Consultation, Assessment and Determination of Next Steps

- Once a report is received, a member of the Respectful Workplace team will contact the person who has reported the concern for a consultation.
- The purpose of the consultation is to understand the nature of the concern, what steps the Individual may have taken so far, what other processes may be underway, and the support or resolution the Individual is seeking.
- Respectful Workplace may require the Individual to submit written confirmation of their concern. Respectful Workplace will gather this information and assess the concerns in relation to the Respectful Workplace Policy and applicable legislation and regulation in order to determine the appropriate process needed to attend to the issue(s) raised.
- If more information is needed before a decision can be reached around process Respectful Workplace will request consent for additional information gathering and discussion with others as appropriate.
- The Respectful Workplace team member will then review the options and recommendations on the appropriate process with the Individual.
- If an Individual disagrees with the decision/determination of the Respectful Workplace team member, they may ask for a review of the decision by the Manager, Respectful Workplace Services.
- There may be situations when a Respectful Workplace team member is required to initiate action without consent from an Individual, such as when there is significant risk to the organizational, or psychological and/or physical harm exists.
- If an Individual has missed time from work or there is a potential for psychological injury, they will be advised to report to the Provincial Workplace Health Call Centre.
- There may be times when one approach commences and a re-assessment is warranted to consider another approach within the spectrum of resolution. Examples of reasons for a re-assessment could include:
 - New information has come forward
 - A process undertaken has been unsuccessful in resolving the concern
 - The concern has been withdrawn or there is a significant change in a participant's status
- In these circumstances, the Respectful Workplace team member will communicate changes in process to the appropriate parties.

2.2.4 Spectrum of Resolution

- Approaches to resolution may include, but may not be limited to:
 - **Direct Resolution**

Maintained by:	Employee Relations					
Issuing Authority:	Vice President, People and Communications					
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP	Page 5 of 15

- Respectful Workplace may assess the concern as being appropriately resolved through further conversation. This might include coaching with the Individual to prepare for a conversation, referral to Employee, Family Assistance Program (EFAP) for support and/or resources, or providing support to the leader to help resolve the situation.
- **Facilitated Conversations**
 - Facilitated conversations are supportive and voluntary processes with a goal of helping people resolve or better manage conflict by looking for mutually agreeable solutions. Facilitated conversation may be supported by the Leader, or Respectful Workplace and/or Enhanced Medical Staff Support. Facilitated conversation may be considered appropriate in the following situations:
 - The situation does not meet the threshold for investigation or other process
 - As an outcome of an investigation to support restoration of the relationship
 - Both parties to the concern are willing and able to participate in the process
- **Restorative Justice Dialogues**
 - Restorative Justice focuses on restoring relationships and the workplace through accountability and dialogue in the aftermath of occurrences of harm to persons, relationships and trust.
 - Restorative Justice may be considered appropriate in the following situations:
 - The situation does meet the threshold for investigation or other process, but the reporting Individual prefers a more passive and restorative approach.
 - Both parties are willing and able to participate in the process
- **Mediations**
 - When facilitated, restorative justice conversations or mediations are recommended, Respectful Workplace will seek consent from the Individual bringing forward the concern to notify the other Individual involved of the preferred pathway for resolution.
 - Mediation is a process where a neutral party, the mediator, helps to resolve conflict or promote open communication between Individuals to support trust and mutual respect.
 - If both parties agree to participate, an appropriate facilitator or mediator will be assigned, either internal or external to the organization at the discretion of Respectful Workplace. Information about the steps and process of these process will be reviewed with each party by the facilitator.
 - Following these processes in which agreement is reached or resolution achieved, Respectful Workplace will notify the parties of file closure.
 - When both parties do not agree to participate in the recommended processes for resolution or when the process is not completed or resolution is not achieved, other options will be considered including referral to a Partner in Human Resources.
- **Referral Outside of Respectful Workplace**
 - Reports that do not fall within the scope and mandate of the Respectful Workplace Policy, but still require resolution, may be referred to other supports. Examples may include:
 - The situation would be appropriately supported through the grievance process.
 - The situation involves reasonable action taken by a Leader.

Maintained by:	Employee Relations					
Issuing Authority:	Vice President, People and Communications					
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP	Page 6 of 15

2.2.5 Investigations

○ Investigations

- All complaint investigations will follow the principles of fairness, thoroughness, timeliness and confidentiality. If a complaint investigation is required, Respectful Workplace will determine if internal or external resources are necessary to ensure that an appropriate, fair, objective process occurs.
- Respectful Workplace will receive consent from the complainant to bring the complaint forward to the investigator, except in cases where consent is not required to proceed. Respectful Workplace is responsible for explaining the process of investigation to the complainant, including that their complaint information will be shared with the respondent as part of the process.
- When concerns are reported, Island Health retains the right to initiate an investigation, or other formal review process, without the complainant's consent if there are sufficient concerns regarding the physical or psychological impact of the alleged behaviour. Other formal review processes may include, escalating the concern to a Partner in Human Resources for immediate action where an internal or external organizational risk identified.
- Where an internal investigation is deemed appropriate, Respectful Workplace will refer to another Respectful Workplace team member to conduct the investigation. Where an investigation using an external resource is deemed appropriate, Respectful Workplace will engage an external investigator.
- Investigations will observe timeframe provisions outlined in the relevant collective agreement and occupational health and safety legislation. Timelines may be impacted depending on the complexity of the investigation and party or witness availability. The Respectful Workplace team will monitor timelines and inform the parties of unforeseen delays.
- The following steps will occur in any respectful workplace investigation:
 - The scope and mandate of the investigation will be established by Respectful Workplace.
 - The parties (complainant and respondent) will be notified of the investigation and information will be provided about the process.
 - The respondent will receive particulars of the complaint in advance of a meeting with the investigator. This is intended to provide the respondent the opportunity to be aware of and respond to the complaint.
 - The complainant, respondent and any relevant witnesses will be interviewed by the investigator. Individuals may have union or other support attend with them for interviews. Medical Staff members (including medical leaders) are entitled to support from another member of the Medical Staff, or a representative from the Medical Staff Association (MSA) or legal counsel from the Canadian Medical Protection Association (CMPA).
 - The investigator will analyze the evidence, make decisions with regards to findings and conclusions and prepare a report.
 - The outcome of the investigation will be shared with the complainant and respondent in a conclusion letter.
 - Further supports will be provided as needed for any measures being implemented as a result of the investigation, including any actions needed to restore relationships and reputations.

Maintained by:	Employee Relations					
Issuing Authority:	Vice President, People and Communications					
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP	Page 7 of 15

2.2.6 Roles and Responsibilities in Investigations

- Respectful Workplace:
 - Assess reports of Bullying and Harassment and [Discriminatory Harassment](#) on behalf of Island Health and determine the response
 - Case management of respectful workplace investigations, including notification to the complainant and respondent
 - Ensure investigation procedures are followed
 - Receive the investigation report from the investigator and share conclusions with the parties and appropriate leadership
 - Maintain the confidential investigation file.
- Complainant/Respondent/Witnesses:
 - Cooperate in the investigation process and provide any details of incidents they have experienced or witnessed.
 - Conduct themselves in a professional and respectful manner, participate fully and in good faith, and respect others' rights to personal dignity, privacy and confidentiality.
- Union:
 - Support Unionized Employees by attending relevant meetings and investigative interviews at the request of the Employee.
 - Individual consent is required prior to any disclosure of respectful workplace information to a representative, including a union representative.
- Investigator:
 - Conduct investigations in accordance with Island Health procedures and best practice and provide a written report with conclusions to Respectful Workplace.
- Leader and Human Resources:
 - Support the parties in an investigation by monitoring well-being and the need for interim measures to ensure safety in the workplace.
 - Interim measures may be imposed during the complaint resolution process to ensure the work environment is safe and service within the involved area is not compromised. These measures will be determined and implemented by the appropriate leader in consultation with relevant parties (e.g., Human Resource Partners, Occupational Health and Safety Advisors, Unions, Professional Practice, and Professional Associations).
 - Support the investigation process by facilitating Individuals' participation in the investigation (i.e. release for meetings)
 - Following an investigation in which there are findings of a Policy violation, Leaders with the support of a Partner in Human Resources will take appropriate actions within a reasonable time frame to address the findings and to prevent reoccurrence.
 - Where Respectful Workplace has referred a file to Human Resources, Human Resources will inform Respectful Workplace that the obligation to address concerns has been satisfied.

2.2.7 Remedies

- Investigations may reveal opportunities for improvements to the work environment or relationships and when identified will be shared with the appropriate parties, Leadership, and/or Human Resources. Identified opportunities for remedy may include, but are not limited to:

Maintained by:	Employee Relations					
Issuing Authority:	Vice President, People and Communications					
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP	Page 8 of 15

- Restorative justice or mediated conversation or a written apology. Any administrative changes that are appropriate as determined by Island Health.
 - Education or training.
 - Re-orientation to the Respectful Workplace Policy, Procedures and its purposes.
 - Transfer.
 - Efforts to restore any lost reputation.
 - Any other remedies determined to be appropriate by Island Health.
- In circumstances where the investigator determines the complaint was made in bad faith or found to be vexatious, vindictive, false or frivolous, appropriate action will be taken which could include discipline for the complainant, up to and including dismissal.

2.2.8 Closure and Follow-up

- The complainant(s) and respondent(s) involved in the investigation will be informed of the findings and conclusions.
- It is recognized that experiences with behaviour contrary to Island Health's Respectful Workplace Policy can be difficult for the complainant, respondent and any other parties involved. Island Health is committed to providing support, information and opportunities for follow-up, as well as evaluation of its processes for handling respectful workplace concerns. The following recommendations might be included as part of evaluation and follow-up:
 - Support may be available through the Employee Family & Assistance Program (EFAP).
 - Individuals who have engaged in processes may provide feedback to Respectful Workplace at any time.
 - Leaders may provide additional support for their unit/team, which may include, but is not limited to, communication to the team or unit that the situation has been resolved and actions to remedy the complaint have been taken.
- Leaders may reach out to the Respectful Workplace Team and Human Resources to explore options for support.
- Leaders and/or Individuals may request further education and training on the Respectful Workplace Policy and its objectives from the Respectful Workplace Team.
- Leaders can request team support from Leadership and Organizational Development through their Human Resources Partner.

2.2.9 Workplace Assessments

- A workplace assessment may be utilized where issues persist within a program or department but the root cause is unidentifiable. It is not used in place of managing or addressing known issues.
- A workplace assessment involves individually and confidentially interviewing or surveying involved Individuals in order to gather information related to the culture, practices or behaviours in the work unit to identify the root cause(s) of conflict and team resilience to identify possible areas for improvement.
- Workplace assessments do not result in findings or conclusions about specific behaviours or actions, but do provide valuable information about the perceptions and perspectives of a working group that can be used to inform recommendations for intervention and support to build a healthy, productive team.
- Where other internal supports have been engaged but have not been able to resolve the concerns, this process may be initiated by Respectful Workplace Services.

Maintained by:	Employee Relations					
Issuing Authority:	Vice President, People and Communications					
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP	Page 9 of 15

2.3 Considerations

2.3.1 Time Limits to File Complaints

- Complaints can be submitted up to one year from the date of the last incident. A complaint that does not meet this time limit may still be accepted for consideration under these Procedures if circumstances warrant an extension of this deadline.

2.3.2 Confidentiality

- To protect the interests of the complainant(s), the respondent(s), and any others who may be involved, confidentiality will be maintained to the extent practicable and appropriate considering the Individual circumstances. Information that must be shared will be disclosed on a “need to know” basis. Parties to a complaint, including witnesses, are not to share information or discuss the details of the complaint. All information relating to the complaint (including content of meetings, interviews, results of investigations and other relevant information) will be disclosed only to the extent necessary to carry out the Procedures under the Respectful Workplace Policy and related policies, or as required by law. Individuals are not to share the details with others in the workplace, including whether or not they have spoken to the investigator.

2.3.3 Consequences of Retaliation

- Any retaliation against any party involved in a complaint or complaint resolution process will not be tolerated and may lead to disciplinary action, up to and including dismissal.

2.3.4 Vexatious and Bad Faith Complaints

- A vexatious complaint is one made without sufficient grounds in which the intent of the complainant is to annoy (vex) or embarrass the respondent. If the evidence demonstrates a reasonable basis for filing and pursuing a complaint, it will not be deemed as vexatious. Note that a complaint determined to be unfounded is not vexatious. A bad faith complaint is one in which there is evidence that the complainant intended to mislead or there is the presence of ill-will in bringing forward the complaint. Vexatious and bad faith complaints may only be determined through an investigation.

2.3.5 Withdrawal of a Complaint

- At any time during the course of an investigation, the complainant may choose to withdraw their complaint unless the investigator finds that the complaint was frivolous, vexatious, vindictive, false or made in bad faith or in the event that the nature of the complaint creates an obligation on the employer to investigate to ensure the health and safety of persons at the workplace or to comply with applicable laws.

2.3.6 Record Keeping

- All records of complaints, including any and all oral or written information gathered, received or compiled shall be maintained in a secured confidential file. Investigation records do not form part of an employee file. Anonymous data, however, shall continue to be recorded for statistical purposes only. Access to confidential records shall be governed by relevant privacy legislation. All requests for records should be directed to Island Health’s Information Stewardship, Access and Privacy (ISAP) department at FOI@islandhealth.ca.

Maintained by:	Employee Relations					
Issuing Authority:	Vice President, People and Communications					
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP	Page 10 of 15

2.3.7 Multiple Proceedings

- Island Health recognizes that a person who reasonably believes that their rights are being violated may have a number of other internal and external avenues available to address their concerns in addition to those outlined in these Procedures. These avenues may include, but are not limited to:
 - Collective agreement processes
 - Filing a complaint with the British Columbia Human Rights Tribunal
 - Notifying WorkSafe BC of their concerns
 - Filing a complaint to relevant professional bodies
 - Pursuing private proceedings
- In the case where an Individual has opted to exercise their rights under one or more avenues of redress, Island Health, at its discretion, may stop its processes under the Respectful Workplace Policy and Procedures pending the outcome of the other proceedings. In that case, both the complainant and respondent will be notified.
- In the case where an Individual reports allegations of Discriminatory Harassment, including Sexual and Gender Harassment to their union's Complaints Investigator, the Individual must also advise the employer through the usual reporting route. Respectful Workplace will support the investigation (i.e. notification to witness and parties and providing outcome information to parties) and receive and maintain the confidential investigation report on conclusion.

2.3.8 Appeals Procedures

- Grounds for Appeal
 - A respondent or complainant may submit an appeal to the Respectful Workplace Appeals Committee (RWAC) regarding a respectful workplace investigation provided they are a current Employee. In order for an appeal to be accepted the appeal must be based on one or more of the following acceptable grounds:
 - The investigator incorrectly determined that the conduct, which was determined to have occurred, constituted a violation of the Policy.
 - The appellant has material evidence that was not reasonably available at the time of the investigation and there is a substantial likelihood it would affect the outcome.
 - There was a breach or unfair application of procedure that was not adequately remedied during the process.
 - Appeal requests from terminated Employees may be considered provided the request is received within 45 business days from the appellant's receipt of their conclusion letter.
- Requirement for a Written Submission
 - A request for appeal must be submitted in writing to the Respectful Workplace Appeals Committee inbox (rwappeals@islandhealth.ca) within 45 business days from the appellant's receipt of their conclusion letter.
- The written submission must include:
 - A statement of the ground(s) for appeal
 - A statement of facts relevant to the ground(s) for appeal
 - A statement of the relief sought
 - Copies of documents on which the appellant relies

Maintained by:	Employee Relations					
Issuing Authority:	Vice President, People and Communications					
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP	Page 11 of 15

- An appeal that does not meet this time limit may still be accepted for consideration under these Procedures if:
 - Circumstances warrant an extension of this deadline; or
 - The delay in filing the appeal request was incurred in good faith; or
 - No substantial prejudice will result to any person because of the delay.
- Determination of Whether an Appeal will Proceed
 - Upon receipt of the request for appeal, a determination will be made about whether the appeal will proceed. It may be decided that the information presented by the appellant does not fall within this appeal process. In this situation, written notification will be provided within 30 business days to the appellant that the appeal cannot proceed and reasons for this decision will be provided.
 - Where it has been determined that an appeal will proceed, the appellant will be notified, in writing, within 30 business days of this decision.

2.3.9 Respectful Workplace Appeals Committee Review (RWAC) of the Record

- The Respectful Workplace Appeals Committee is responsible for overseeing the appeals process. The Committee consists of the Vice President, People & Communications, the Vice-President of Indigenous Health & Diversity, Equity and Inclusion, the Executive Medical Director, Medical and Academic Affairs, the Executive Director of Health, Wellness and Safety and Ability Management, the Executive Director, Employee Relations, Employee Records & Scheduling Services, the Executive Director, Human Resources, Organizational Development & Work Design & Compensation as well as an Operational Executive Director, or their delegates. Upon confirmation that the appeal will proceed, the RWAC will conduct the appeal via a review of the record. An appeal will not be a re-hearing of the complaint and will not include a further investigation by an appointed investigator.

2.3.10 Respectful Workplace Appeals Committee Appeal Decision

- The RWAC will make a decision on the appeal within 45 business days from the date of the letter notifying the appellant the appeal will proceed. The RWAC will notify the appellant, in writing, of the appeal decision.
- The RWAC may accept or dismiss the appeal in whole or in part. Where the appeal in whole or in part is accepted, the RWAC will provide a new decision or recommendation for next steps. Also included in the letter will be reasons for the appeal decision.

3.0 Definitions

- **Bullying and Harassment:** An action that an Individual knew or reasonably ought to have known would cause another person to be humiliated or intimidated. When an employer or supervisor takes reasonable action to manage and direct workers, it is not bullying and harassment
- **Contracted Healthcare Professional (CHCP):** Physicians, dentists, midwives and other Health Care Professionals who contract with Island Health to provide care at a non-Hospital Act Island Health-operated site or service.
- **Contractor(s):** Refers to self-employed people or legal entities with whom Island Health has entered into a contract for the Contractor to perform work or provide goods or services for a specific period or project in exchange for monetary payment, but excludes Employees, Contracted Healthcare Professionals, Medical Staff, and Residents.

Maintained by:	Employee Relations					
Issuing Authority:	Vice President, People and Communications					
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP	Page 12 of 15

- **Discrimination:** Unfair differential treatment of an Individual or group on the basis of Indigenous identity, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, age or unrelated criminal conviction.
- **Discriminatory Harassment:** A form of Discrimination where abusive, unfair, offensive, or demeaning treatment of a person or group of persons under any of the grounds referenced above has taken place, and has the effect of interfering with an Individual's work or participation in work-related activities; or creates an intimidating, hostile or offensive environment for work or participation in a work-related activity. This would include comments or conduct that occurs away from the workplace during or outside working/volunteering hours if a connection to the employment/volunteering relationship exists
- **Disrespectful Behaviour:** Inappropriate behaviour including a lack of consideration or regard for co-workers, including their privacy, physical space, belongings, viewpoints and philosophies. It includes impolite and uncivil behaviour that does not fit the definition of Bullying and Harassment but that a reasonable person would know or ought to have known would be experienced as disrespectful. Disrespectful Behaviour may also intersect with incidents of Racism, Discrimination, Sexual Harassment, and Violence.
- **Employee:** All individuals with an active employee number (including but not limited to management, leadership, and employed students, etc.) excluding Foundations.
- **Employment Relationship** - The legal connection between employers and employees, typically made via contract or signed offer.
- **First Nations:** The preferred terminology for Indigenous peoples of what is now Canada, and their descendants, who are neither Métis nor Inuit. First Nations people who are legally registered as Indian under the *Indian Act* are considered "status," while those who are not are considered "non status." A First Nations person's status can have many implications, including on their health and wellness.
- **Foundations:** Charitable partners of Island Health that enable and steward donations to support areas of care across associated health care sites.
- **Gender harassment:** A form of discrimination and includes any unwelcome comment or conduct of a non-sexual nature aimed at another person's sex, sexual orientation, or gender identity or expression that may detrimentally affect the work environment or lead to adverse job-related consequences for the victim. The prohibited conduct, as determined by a reasonable person, may be verbal, non-verbal, physical, deliberate or unintended.
- **Health Care Professional:** Refers to both regulated health care professionals and approved non-regulated health care professionals:
 - *Non-regulated Health Care Professional:* Non-regulated professional who has received formal training, and has the knowledge, skills and competence to perform activities defined by Island Health employer controls (e.g. medical imaging technologists, cardiology technologists, respiratory therapists and health care assistants) who is not a Contracted Healthcare Professional.
 - *Regulated Health Care Professional:* Individual who is part of a regulated health discipline, as defined by the [Health Professions Act](#) and *Social Workers Act* (e.g. physicians, midwives, pharmacists, nurses, and Allied Health) who is not a Contracted Healthcare Professional.
- **Indigenous Peoples:** Inclusive of First Nations (status and non-status), Métis, and Inuit Peoples as defined under Section 35 of the *Constitution Act, 1982*.
- **Inuit:** An Inuktitut term meaning the people who live in communities across the Inuvialuit Settlement Region (Northwest Territories), Nunavut, Nunavik (Northern Quebec), and Nunatsiavut (Northern Labrador) land claim

Maintained by:	Employee Relations					
Issuing Authority:	Vice President, People and Communications					
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP	Page 13 of 15

regions. They share a common cultural heritage and language. Inuit are one of three recognized Indigenous peoples in Canada: the others are First Nations and Métis.

- **Leader:** An Employee that has direct reports within the organization or oversees the work of others.
 - For Medical Staff and Contracted Healthcare Professionals, **Leader** refers to the medical leader of the portfolio, division, program, section, site or service that you work at.
 - For Volunteers, **Leader** refers to the Volunteer Resources & Engagement staff member who supports the individual Volunteer's placement.
- **Medical Staff:** The Physicians, Dentists, Oral Surgeons, Midwives and Nurse Practitioners who have been appointed to the Medical Staff and who have privileges to provide care or services at an Island Health-operated site.
- **Métis:** A person who self-identifies as Métis, is of historic Métis ancestry, is distinct from other Indigenous Peoples, and is accepted by the Métis Nation.
- **Partner in Human Resources:** Director, Manager, Partner, or Advisor on the Human Resources team who is either assigned to the portfolio of the Individual complainant, or assigned to the particular Respectful Workplace file.
- **Racism:** The belief that a group of people are inferior based on the colour of their skin or due to the inferiority of their culture or spirituality. It leads to discriminatory behaviours and policies that oppress, ignore, or treat racialized groups as "less than" non-racialized groups.
 - **Epistemic Racism:** The practice of knowledge domination (e.g., favouring Western perspectives on health and wellness) that is rooted in the belief that the knowledge of one racialized group is inferior to their non-racialized counterparts.
 - **Explicit Racism:** Overt and often intentional racism practiced by individuals and institutions that openly embrace racial discrimination and hold prejudicial attitudes towards racially defined groups.
 - **Implicit Racism:** An individual's utilization of unconscious biases when making judgements about people from different racial and ethnic groups.
- **Sexual Harassment:** A form of discrimination and includes any unwelcome comment or conduct of a sexual nature that may detrimentally affect the work environment or lead to adverse job-related consequences for the victim. The prohibited conduct, as determined by a reasonable person, may be verbal, non-verbal, physical, deliberate or unintended.
- **Volunteer:** A person who has been screened by the Volunteer Resources and Engagement Department or is a member of an affiliated Auxiliary, then assigned a role through which they give their time, energy and skills freely in service, without monetary compensation, and contribute positively to the overall experience of patients, residents, clients, visitors, and/or staff and Medical staff at Island Health.

4.0 Related Island Health Policy Documents

- [Indigenous Specific Anti-Racism and Discrimination Policy](#)
- [Indigenous Specific Anti-Racism and Discrimination Procedure](#)
- [Respectful Workplace Policy](#)
- [Respectful Workplace Procedures for Medical Staff, Resident Doctors and Medical Students](#)
- [Respectful Workplace Procedures for Volunteers](#)
- [Safe Reporting Policy](#)

Maintained by:	Employee Relations					
Issuing Authority:	Vice President, People and Communications					
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP	Page 14 of 15



5.0 References

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6.0 Resources

- [Our Respectful Workplace Learning Module](#)
- [Respectful Practice Education Experiences](#)
- [“Working Together As One” to Address Indigenous-specific Racism and Discrimination](#)

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Issuing Authority:	Vice President, People and Communications				
Last Revised:	2025-AUG-08	Last Reviewed:	2025-AUG-08	First Issued:	2009-SEP
					Page 15 of 15