

PARKINSON WELLNESS PROJECTS (PWP)

Respectful Treatment Policy

Purpose

Parkinson Wellness Projects is committed to providing programs and services where everyone is treated with dignity and respect, free from Discrimination, Bullying and Harassment.

This policy articulates the duty of all members of the PWP Community to refrain from engaging in Discrimination or Bullying and Harassment in connection with PWP Activities, and establishes procedures for addressing and resolving complaints regarding violations of this policy.

Scope

This policy applies where

- an incident of Discrimination or Bullying and Harassment is alleged to have occurred in connection with PWP Activities, and
- the person adversely affected by the alleged Discrimination, or Bullying and Harassment is a member of the PWP Community.

Term “including”

In this policy, the term “including” is not intended to be limiting.

Definitions

Bullying and Harassment:

Bullying and Harassment includes Sexual Harassment and any inappropriate conduct or comment towards another person that the person engaged in the conduct or making the comment knew or reasonably ought to have known would cause the other person to be humiliated or intimidated. It can be an isolated incident or a series of incidents.

Bullying and Harassment **can** include:

- verbal aggression or yelling
- humiliating initiation practices or hazing
- spreading malicious rumours
- calling someone derogatory names
- vandalizing a person's belongings or work equipment
- using profanity that makes others uncomfortable

- physical assaults or threats
- making personal attacks based on someone's private life and/or personal traits
- making aggressive or threatening gestures

Bullying and Harassment **does not** include:

- expressing differences of opinion

- offering constructive feedback, guidance, or advice about PWP Activities
 - reasonable action taken by an employer or supervisor relating to the management and direction of
 - engaging in targeted social isolation
- Workers or the place of employment (e.g., managing a Worker's performance, taking reasonable disciplinary actions, assigning work)

Complainant: A person who files a Complaint. In some instances, PWP may act as a Complainant where it becomes aware of allegations of Discrimination or Bullying and Harassment that, if true, would violate this policy but no person comes forward with a Complaint, or where an investigation is required by law.

Complaint: A formal written complaint containing allegations of Discrimination or Bullying and Harassment or other violation(s) of this policy.

Discrimination: Unfair differential treatment, whether intentional or not, of an individual or group based on sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, gender identity or expression, age, or criminal conviction which, in the case of a Worker is unrelated to the person's work for PWP or in respect of which a pardon has been granted or a record suspension has been ordered.

Investigator: A person appointed to investigate a Complaint in accordance with this policy.

PWP Activities means activities connected with programs or services provided by PWP, whether occurring at PWP premises or elsewhere.

PWP Community: All Workers and PWP board members, participants in PWP programs, visitors to PWP premises and any other person if contractually obligated to comply with this policy.

Respondent: A person alleged to have engaged in conduct that violates this policy.

Responsible Administrator: PWP's Program and Education Manager. However, if that person is the Complainant or Respondent in relation to a Complaint, the Executive Committee of the PWP board of directors will either serve as the Responsible Administrator for that complaint or appoint one of its members to act in that capacity.

Retaliatory Action: Any adverse action taken against a person because that person reports or alleges a violation of this policy, seeks advice on making a Complaint, makes a Complaint, or cooperates in the investigation of a Complaint.

Sexual Harassment: Conduct or comments of a sexual nature that are unwelcome, and that detrimentally affect the work or program environment or lead to adverse job-related or other consequences.

Sexual harassment may include, but is not limited to, such things as:

- sexual jokes
- leering or staring
- the display or circulation, in any form, of material of a sexual nature
- sexually suggestive, obscene or degrading words, comments, actions or gestures
- unwelcome sexual flirtations, advances or propositions
- sexual assault
- unwanted touching
- the express or implied promise of reward for sexual compliance, or threat of reprisal for refusal to comply
- unwelcome questions or comments about a person's sex life, appearance or clothing
- persistent unwanted contact or attention after the end of a consensual relationship
- requests for sexual favours
- verbal or physical abuse or threats

Sexual harassment **is not** a relationship of mutual consent, a hug between friends, a mutual flirtation, or an academic discussion dealing with sex or sexuality.

Worker: A person who is employed or engaged by PWP to perform work or provide services, including permanent employees, part-time or temporary employees, volunteers, and contractors.

Policy Statements

1. PWP is committed to providing programs and services where everyone is treated with dignity and respect, free from Discrimination, Bullying and Harassment.
2. Discrimination, Bullying and Harassment are strictly prohibited under this policy.
3. A breach of this policy by a member of the PWP Community represents serious misconduct and may be cause for disciplinary sanctions including, where appropriate for Workers, suspension, dismissal, or contract cancellation and for others, banishment from PWP premises and exclusion from PWP programs or services.
4. PWP recognizes its responsibility to increase awareness of Discrimination, Bullying and Harassment, to prevent their occurrence in relation to PWP Activities, to provide procedures to handle Complaints, and to remedy situations where Discrimination or Bullying and Harassment have been found to have occurred.
5. PWP is committed to addressing Discrimination, Bullying and Harassment by
 - a. promoting conditions that seek to eliminate the potential for incidents of Discrimination or Bullying and Harassment to occur in relation to PWP Activities;
 - b. reducing barriers to filing Complaints regarding Discrimination or Bullying and Harassment; and
 - c. responding to Complaints in a procedurally fair, efficient and consistent manner.

6. PWP strongly encourages all members of the PWP Community to become knowledgeable about Discrimination, Bullying and Harassment and their rights and obligations under this policy.
7. PWP reserves the right to initiate an investigation into alleged Discrimination or Bullying and Harassment, on its own initiative without the filing of a Complaint.
8. PWP reserves the right to implement interim measures as it considers appropriate, pending the completion of an investigation into alleged Discrimination or Bullying and Harassment. Such measures may include, but are not limited to: directing the Complainant, Respondent, witnesses or other parties to cease and desist from engaging in a particular type of behaviour; restricting access to PWP property or PWP programs or services; alteration of the work schedule of a Worker; imposing a no-contact directive; and/or temporary, non-disciplinary leave of a Worker.
9. An individual may have the right to pursue another process in connection with alleged Discrimination or Bullying and Harassment, such as reporting the matter to the police, filing a claim with WorkSafeBC, initiating a civil action, filing a complaint under the BC Human Rights Code etc. If another process is pursued, PWP may elect to continue with the process under this policy, or to suspend the process under this policy pending the outcome of the other process.

Procedures

Prevention and Response

- PWP will have procedures for reporting, investigating and documenting incidents of Discrimination or Bullying and Harassment in a prompt and sensitive manner, and in accordance with WorkSafeBC regulations and policies where applicable; and
- ensure that appropriate corrective actions are taken in response to incidents of Discrimination or Bullying and Harassment.

Reporting Alleged Violation of this Policy

PWP encourages prompt reporting of all alleged violations of this policy, regardless of whether the person reporting the alleged violation is a victim or observer of such conduct.

Informal Resolution

An individual who believes they have been subject to Bullying and Harassment or Discrimination is encouraged to attempt to resolve the matter informally, by bringing the matter to the attention of the person who has engaged in the conduct, advising them that the conduct is unwelcome and contrary to this policy, and asking that the conduct cease immediately. The individual should keep a written record of the steps taken to alleviate the problem.

A Worker who believes they have been subject to Bullying and Harassment or Discrimination may ask their supervisor (or equivalent) to assist in attempting to resolve the matter informally.

If the matter cannot be resolved informally, or if an individual does not wish to pursue informal resolution, the individual may file a Complaint in accordance with the procedure outlined below.

Filing a Complaint

An individual who believes they have been subject to Bullying and Harassment or Discrimination, or have otherwise been affected by a violation of this policy, may file a Complaint under this policy by submitting the Complaint in writing or in person to the Responsible Administrator.

Contact information for the Responsible Administrator is set out at the end of this policy, which is to be posted on PWP's website.

The Complaint should set out the relevant details regarding the alleged Bullying and Harassment or Discrimination, or other alleged violation of this policy. The Complaint should include a list of any potential witnesses, along with a description of the information those witnesses are expected to provide. Any relevant documents, including any social media communications, should also be included with the Complaint.

A Complainant has the right to withdraw a Complaint at any stage of the process. However, PWP may continue to act on the issue identified in the Complaint to comply with its obligations under law or this policy.

Time Limit for Filing Complaints

In most circumstances, a Complaint should be filed within 12 months of the alleged incident(s). If the Complaint involves a series of related incidents, the Complaint should be filed within 12 months of the most recent incident.

PWP has the discretion to accept a Complaint for filing after the expiry of the time limit described above, if PWP determines that the delay in filing was reasonable and justified, and that no person would be prejudiced by the late filing.

Initial Review

Upon receipt of a Complaint, the Responsible Administrator will conduct an initial review to determine whether the allegations in the Complaint fall within the scope of this policy. This review will occur within 14 calendar days of receiving a Complaint, unless exceptional circumstances exist that prevent the Responsible Administrator from meeting this timeline, in which case the Responsible Administrator will contact the person making the Complaint as soon as possible to inform them of the revised timeline.

If the Responsible Administrator determines that the Complaint falls within the scope of this policy, the Responsible Administrator will do one of the following:

- appoint an Investigator to investigate the Complaint; or
- refer the matter to the alternative resolution process described below.

If the Responsible Administrator determines that the allegations in the Complaint do not fall within the scope of this policy, the Responsible Administrator will advise the Complainant of this decision, and will provide reasons. If the Responsible Administrator believes that the Complaint discloses other kinds of misconduct or information that PWP may need to act on under another PWP policy or process, the Responsible Administrator may refer the Complaint or the relevant portions of the

Complaint to the appropriate PWP authority. When appropriate, the Responsible Administrator will consult with the Complainant before referring it elsewhere.

Alternative Resolution

If the Responsible Administrator believes that an alternative resolution process may be appropriate in the circumstances, the Responsible Administrator will discuss this option with the Complainant. If the Complainant agrees that an alternative resolution process may be appropriate, the Responsible Administrator will contact the Respondent to advise them that a Complaint has been made, and will discuss this option with the Respondent. If the Respondent agrees to participate in an alternative resolution process and the Responsible Administrator is satisfied that an alternative resolution process is appropriate, then the Responsible Administrator will explore the options available and, with the agreement of both parties, will refer the matter to that process for resolution. Participation in an alternative resolution process is voluntary.

Investigation

If an alternative resolution process is not pursued or does not resolve the matter, the Responsible Administrator will appoint an internal or external Investigator to investigate the Complaint. The Responsible Administrator may choose to appoint themselves as internal investigator for a Complaint unless they are the Complainant or Respondent.

The Investigator will advise participants in the investigation process of the option to have a support person present for interviews.

Except in exceptional circumstances, investigations (including the preparation of the Investigator's report) will be completed within 60 calendar days of the Investigator's receipt of the Complaint. If, during the course of the investigation, the Investigator believes that this timeline cannot be met, the Investigator will contact the Complainant, the Respondent, and the Responsible Administrator as soon as possible to inform them of the revised timeline.

Investigations are not adversarial processes, and hearings will not be held as part of the investigatory process. Formal rules of evidence commonly associated with a civil or criminal trial will not be applied.

In all investigations, the Respondent must be informed of the allegations made against them, and must be given a full opportunity to respond.

The Investigator will conduct the investigation in a procedurally fair manner, using a process determined by the Investigator. The investigation process may include, but is not limited to, the following:

- requesting a written response to the Complaint from the Respondent, including a list of any potential witnesses along with a description of the information those witnesses are expected to provide, and any relevant documents, including any social media communications;
- meeting with or requesting further information from the Complainant;
- meeting with or requesting further information from the Respondent;

- meeting with or requesting further information from any other individuals who may have information relevant to the investigation, including any witnesses identified by the Complainant or the Respondent;
- inviting the Complainant and the Respondent to submit questions they believe should be asked of the other party or any witness, provided that the decision as to whether such questions will be asked of the other party or a witness is entirely within the discretion of the Investigator; and
- obtaining any other evidence that may be relevant to the investigation.

At the completion of the investigation, the Investigator will submit a written Report to the Responsible Administrator or if the Responsible Administrator is the Investigator, to the chair of the PWP board of directors. The Report will normally include the following information:

- a summary of the evidence considered;
- any assessment of credibility that is required to render a determination; and
- the Investigator's findings of fact, and a determination as to whether, on a balance of probabilities, this policy has been violated.

Investigation Outcomes

If the Investigator's report determines that Discrimination or Bullying and Harassment has occurred, or that this policy has otherwise been violated, the following will occur:

- the Complainant and the Respondent will be notified of the outcome; and
- the Responsible Administrator will determine what disciplinary or other measures are appropriate based on the findings in the Report if within the authority provided to them by the PWP board of directors. If not within that authority, the Responsible Administrator will refer the matter of disciplinary or other measures to PWP's board of directors for determination. The Complainant will not be advised of any disciplinary or other measures taken.

In addition to disciplinary outcomes, PWP may require training, workshops, restorative justice measures and/or mediation for the parties or other members of the PWP Community in the environment affected by the Complaint or the investigation.

If the Investigator's report determines that that this policy has not been violated, the Responsible Administrator will dismiss the Complaint and will so notify the Complainant and the Respondent.

Whether or not the Investigator's report determines that Discrimination or Bullying and Harassment has occurred, or that this policy has otherwise been violated, if the Responsible Administrator believes that the Investigator's report discloses other kinds of misconduct or information that PWP may need to act on under another PWP policy or process, the Responsible Administrator may refer the Investigator's report, or the relevant portions of the report, to PWP's board of directors or other appropriate PWP authority. When appropriate, the Responsible Administrator will consult with the Complainant before referring it elsewhere.

Confidentiality

Complaints of Bullying and Harassment or Discrimination involve confidential and sensitive information. Confidentiality is required so those who may have experienced Bullying and Harassment or Discrimination will feel free to come forward, and the reputations and interests of those accused are protected.

It is hoped and expected that all members of the PWP Community who are involved in Complaints or reports regarding alleged violations of this policy, will maintain the confidentiality of any information they receive during the course of the process.

PWP will not disclose any personal information related to an investigation except to the extent such disclosure is:

- expressly authorized by the affected individual;
- to a PWP representative, if necessary, for the performance of that individual's duties;
- to a Complainant, Respondent, witness, or other participant in the investigation, if necessary, for the conduct of the investigation;
- authorized by this policy; or
- authorized or required under law.

Information may also be shared where

- an individual is at imminent risk of self-harm;
- an individual is at imminent risk of harming another; or
- there are reasonable grounds to believe that others in the PWP Community or wider community may be at risk of harm.

Retaliatory Action and Breaches of Confidentiality

Retaliatory Action of any kind is prohibited.

Where a member of the PWP Community is found to have engaged in Retaliatory Action, or to have breached the confidentiality requirements in this policy, PWP may take appropriate disciplinary action.

Frivolous or Vexatious Complaints

Where an investigation determines that a Complaint was frivolous, vexatious or vindictive in nature, PWP may take appropriate disciplinary action against the Complainant. **Posting of this Policy**

This policy, as may be revised or replaced from time to time, is to be posted on PWP's website.

Contact information

Contact information for the Executive Director is as follows (or as otherwise posted on PWP's website):

Bailey Martin
Executive Director
Parkinson Wellness Projects
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Victoria, BC V8T 5E1
Phone: 250-360-6800
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