



Responsible Ministry and Safe Environment Policy

Part III

Bullying and Harassment Protocol

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ROMAN CATHOLIC
DIOCESE OF VICTORIA

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Bullying and Harassment

The Diocese is committed to providing an environment free from bullying and harassment where everyone is treated with respect and dignity. Bullying and harassment hurts and embarrasses its targets, and affects us all. For the one being harassed, it is difficult to endure and stressful to initiate a formal complaint. Some mistakenly fear that their jobs will be impacted if they complain. Anyone who is subjected to bullying and harassment has the full support of the Diocese to stop such injustices from occurring.

WorkSafeBC's Definition of Bullying/Harassment

- Includes any inappropriate conduct or comment by a person that would cause humiliation or intimidation, but
- Excludes any reasonable action taken by an employer or supervisor relating to the management and direction of others.

Examples of conduct or comments that might constitute bullying and harassment include verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours.

Bullying and harassment is abusive behaviour that a reasonable person would know to be unwelcome by the recipient(s) of the behaviour. This includes both general and sexual harassment. Bullying and harassment is a form of discrimination that is prohibited by law. The Diocesan policy on this is not meant to inhibit relationships based on mutual consent, or normal social contact between people. Bullying and harassment between clergy, religious, employees, and volunteers can occur at or away from the workplace. Bullying and harassment between a staff member or volunteer, and a non-employee, can occur within the course of employment, in the provision of goods, services or facilities, or at Diocesan functions.

While the following is not an exhaustive list, bullying and harassment may include:

- demands for sexual favours;
- sexual assault;
- displaying of pornographic, racist, or other offensive or derogatory material;
- intimidation, leering, or other gestures;
- physical assault;
- practical jokes causing awkwardness or embarrassment;
- unnecessary physical contact such as touching, patting, pinching, or punching (which may be considered assault in some instances);
- unwelcome invitations or requests, whether indirect, implied, or explicit;
- unwelcome remarks, jokes, innuendos, or taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, or gender; and,
- verbal abuse or threats; yelling, screaming, or using intimidating language.

WorkSafeBC Resources:

- [Bullying and Harassment Page](#)
- [Bullying and Harassment Tool Kit](#)
- [Bullying and Harassment FAQ](#)

For the purpose of this Policy, retaliation against an individual will be considered bullying and harassment. Any clergy, religious, employee, or volunteer found to have engaged in retaliation will be subject to disciplinary measures.

Management Responsibility

Anyone who has staff and volunteers reporting to them has a legal responsibility to respond to a complaint of bullying and harassment, or known situations of bullying and harassment. *See RMSE Policy Manual Quick Reference: Flowchart for Handling Bullying and Harassment Complaints for more information.*

Steps to Deal with Bullying and Harassment

The Diocese understands that it is difficult to come forward with a report of bullying and harassment while recognizing the interest of the person reporting in keeping the matter confidential.

Confidentiality will be maintained throughout the investigation to protect the interests of the complainant, the alleged bully, and any others who may report incidents of bullying and harassment.

Reporting on behalf of others

If a cleric, religious, employee, or volunteer believes that they or someone else is being bullied and harassed, each incident will be documented using an [Incident Report Form](#).

The critical incident description will include a brief outline of what transpired, the date, time, and place that it occurred, and the names of any witnesses. The cleric, religious, employee, and/or volunteer may wish to inform the bully that each offensive action is being documented.

Reporting Personal Bullying and Harassment

A person who believes they are being bullied or harassed may first:

- Confront the bully in person, informing him or her that they regard the behaviour as bullying and harassment, and that it must stop. The complainant may choose to have another person witness this action; and/or,
- Inform the bully in writing if the complainant is uncomfortable with confronting him or her in person. The complainant will keep a copy of the letter for his/her files.

Mediation

In cases of alleged bullying and harassment, the Diocesan Responsible Ministry Coordinator (DRMC) will consider whether an informal resolution is possible and, if both the complainant and the respondent agree to participate, the DRMC may arrange for an external mediator.

Mediation is primarily an information gathering process that allows the complainant and the alleged bully to discuss their perceptions of the problem confidentially with an independent professional, coordinated through the office of the DRMC. Mediation is a chance to resolve the problem through communication.

Mediation may take the form of a “without prejudice” discussion that is facilitated between the complainant and the respondent. If a resolution is achieved, a resolution agreement will be drawn up signed by both parties, and ratified by the mediator and the DRMC. A copy of the agreement will be maintained in the Incident file.

If such a process does not result in a resolution of the complaint, a formal investigation may then proceed. It is important to note that at any time during the course of the investigation if the DRMC deems it appropriate and the parties agree, further informal resolution meetings may take place.

Lodge a Formal Complaint of Bullying and/or Harassment

The complainant is strongly encouraged to file a formal complaint if they feel that either the incident(s) is severe, and/or the bullying and harassment issue was not resolved to their satisfaction through other options. When a formal complaint is lodged, the DRMC may choose to investigate and make recommendations or refer the matter to WorkSafe BC.

Where a diocesan investigation proceeds, the DRMC will:

- advise the complainant that an investigation will be conducted;
- ensure that the complainant has an opportunity to meet with a counsellor;
- advise the respondent of the nature of the complaint and that an investigation is proceeding;
- interview the complainant and any other individuals who may assist in the investigation, and collect other relevant evidence.

The DRMC, after giving the respondent a reasonable opportunity to consider the complaint and consult with legal counsel, conducts an interview of the respondent, and depending on the nature of the complaint, recommends to the respondent's supervisor that they be removed from their position.

The DRMC will:

- record the proceedings of the investigation; and,
- upon completion of the investigation, prepare a written report that contains details of the complaint, a description of the evidence gathered, and recommendations as to what action, if any, will be taken by the supervisor. A copy of the written report will be provided both to the complainant and to the respondent.

Supervisor's Adjudication

Upon receipt of the DRMC's written report, the individuals' supervisor will:

- give the complainant and the respondent a reasonable opportunity to consult with legal counsel, and to respond to the report in writing;
- make a final determination regarding the complaint, and any action to be taken.
- document the decision in writing and provide a copy of the decision to the complainant and the respondent. Where practical, the respondent and complainant will be informed in person of the decision by the supervisor; and,
- The supervisor may also choose to meet with the parties, consult with legal counsel, or any other appropriate professionals.

Discipline

If misconduct is found to have occurred, the supervisor will determine the appropriate discipline.

Depending on the circumstances:

- An oral caution may be noted in the person's file.
- a warning in writing may be issued, with a copy retained in the person's file.
- a reprimand or censure may be given in person, with documentation retained in the person's file.
- opportunities for rehabilitation may be provided, with ongoing monitoring after the person resumes work.
- administrative leave, suspension from ministry, employment, or volunteer work may occur until there is clear evidence of rehabilitation and restoration.
- the person's appointment, employment, or volunteer work may be terminated.

Where No Misconduct is Proven

If the supervisor determines that no misconduct has been proven, a copy of the report and the supervisor's decision will be kept in a confidential file.

False Accusations

Making a false accusation is a serious offense. Appropriate action will be taken if the allegation of misconduct is malicious and is determined to be intentionally false.

Appropriate action will be taken against anyone who knowingly provides false information in a misconduct investigation, or removes or destroys documentary evidence crucial to the investigation.

Appeal

Employees have the right to appeal the disciplines of “Administrative Leave” or “Termination” according to the laws of the Province of British Columbia.

Lodge a Civil Complaint through WorkSafeBC

If a complainant has followed the RMSE Bullying & Harassment procedures and feels that the diocese has failed to take reasonable steps to address an incident of bullying/harassment then a complaint may be submitted to WorkSafe BC by calling their Prevention Information Line at 604-276-3100.

The officer may ask for verbal consent to speak with the employer about the incident. If consent is provided, a summary of the Incident Report will be given to the employer and the identity of the person reporting the incident will be revealed.

The burden of proof is on the employer to show there has been no discriminatory action or failure to pay wages. Accordingly, the employer may wish to provide an informal response to the Incident Report at this stage.

Both parties are free to resolve a complaint at any time. The person reporting may also withdraw the complaint at any time. In some cases, the officer’s involvement might lead to a resolution between the parties. If it doesn’t, a formal complaint may be filed.

Whether or not consent is given for the investigation, prevention officers will address the health and safety issues that have been raised. Potential discriminatory action complaints will however not be discussed with the employer without the written or verbal consent of the person reporting.

Filing the Incident Report

WorkSafe BC Incident Reports must occur in writing within the following timelines:

- Discriminatory action complaints must be submitted in writing within one year of the discriminatory action.
- Failure to pay wages complaints must be submitted in writing within 60 days after the wages should have been paid.

Remember, the Incident Report must be submitted in writing to WorkSafeBC. For assistance, go to [Responding to workplace Bullying and Harassment](#). You may make an online submission through the [Bullying and Harassment Questionnaire](#). Calling the Prevention information line and talking to an officer is not enough.

WorkSafeBC Compliance Section reviews the complaint

If the complaint is not settled during the preliminary investigation stage, and there are no obvious issues with the written Incident Report, the WorkSafeBC Compliance Section may invite both parties to participate in voluntary mediation.

At this point, the employer will be provided with the full details of incident and any subsequent investigation.

If a mediated settlement cannot be reached, one of WorkSafeBC's Investigation Legal Officers will decide on the case. The employer will now be invited to file a formal response to the Incident Report and the person reporting the incident will have the opportunity to submit a written reply to the employer's submission.

If the incident had taken place

If it is determined that the incident had taken place, based on a full review of all the relevant information, WorkSafeBC will require further submissions from the person reporting and the employer on what remedy is to be awarded. The Investigation Legal Officer will make a decision on the remedy awarded and issue the employer with one or more formal orders to remedy the situation.

If it is determined that the incident did not take place, the complaint will be dismissed and no orders will be issued.

If the decision is not accepted

Both employers and the person reporting may appeal the decision directly to the Workers' Compensation Appeal Tribunal (WCAT) as long as the appeal is within 90 days of the decision.

Complaint Resolution For Volunteers

The Diocese is committed to open and on-going communication between volunteers and their supervisors. It is anticipated that most issues will be resolved within the parish/school at the personal level. Volunteers will be subject to the same standards and requirements as an employee.

The RMSE Bullying and Harassment Policy resolution process is intended to be conciliatory not adversarial in nature. The objective of this process is to resolve disputes in a Christian atmosphere of cooperation and mutual respect. Volunteers are assured freedom from restraint, interference, coercion, discrimination, or reprisal in their pursuit of resolution through the complaint resolution process. Retaliation, of any kind, is absolutely prohibited.

Flowchart: Handling Bullying and Harassment Complaints

**Follow these
steps to
handle a
Bullying and
Harassment
Incident**

STEP 1

- Upon receipt of a complaint an Incident File will be opened and the complainant will be advised of the response process.
- The complainant will be asked to approach the respondent either in person or in writing to request that the behaviour be stopped. Another person should be present to witness in-person discussion
- If the behaviour continues the DRMC will support the complainant and supervisor(s) to find an informal resolution.
- If it is appropriate, the DRMC may arrange mediation.
- If a mediated resolution is achieved, a resolution agreement will be drawn up, signed by both parties, and ratified by the mediator and the DRMC. A copy will be placed in the Incident file.
- If a resolution is not reached, a formal investigation will proceed during which, if appropriate and if the parties agree, further informal resolution meetings may take place.

STEP 2

- In the event that a formal complaint or a legal complaint is made, the complainant will complete an [Incident Report Form](#).
- Upon receiving the Incident Report, the DRMC will launch an investigation.
- The complainant will have an opportunity to meet with a counsellor if needed.
- The respondent will be advised of the nature of the complaint and that the investigation is proceeding.
- Interviews will be conducted with all the relevant parties, and all the relevant evidence will be collected.

STEP 3

- The DRMC will interview the respondent, and give the respondent reasonable opportunity to consider the complaint. Depending on the nature of the complaint, the DRMC may recommend to the respondent's supervisor that they be suspended from their position pending the outcome of the investigation.

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STEP 4

- The DRMC will record the proceedings of the investigation.
- Upon the completion of the investigation, the DRMC will prepare a report with the details of the complaint, description of the evidence gathered, conclusion and recommendations. This report will be submitted to the immediate supervisor with a copy provided to the Bishop/Chancellor and a copy retained on the RMSE file.
- A copy of the written report will be provided to the complainant and to the respondent.

STEP 5

- Upon receipt of the DRMC's written report, the supervisor will give the complainant and the respondent reasonable opportunity to consult with legal counsel and to respond to the report in writing.

STEP 6

- If misconduct has been proven, the supervisor will determine the appropriate discipline, depending on the circumstances.
- A written warning will be issued, with a copy filed.
- A reprimand or censure may be given in person, with documentation filed.
- Opportunities for rehabilitation may be provided, with ongoing monitoring after the person resumes work.
- Administrative leave, suspension from ministry, employment, or volunteer work may occur until there is clear evidence of rehabilitation.
- The person's appointment, employment, or volunteer work may be terminated.

STEP 7

- If no misconduct was proven to have occurred, a copy of the report and the supervisor's decision will be kept in a confidential file.

STEP 8

- Employees have a right to appeal the disciplines of administrative leave or termination.

Referral to WorkSafe BC

- If the complainant has followed the RMSE Bullying & Harassment Policy and procedures but believes that the Diocese has failed to take reasonable steps to address an incident, the complainant may submit a complaint to WorkSafe BC by calling the Prevention Information Line at 604-276-3100 or toll-free at 1-888-621-7233.