

BOABC HARASSMENT POLICY

The Building Officials' Association of BC (the "Association") is committed to a healthy, harassment-free work environment for all its employees and members. The creation of this environment is the joint responsibility of the Association and its employees and members. The Association has therefore developed a policy intended to prevent harassment of any type within BOABC workplaces and in venues used for BOABC functions and to deal quickly and effectively with any incident that might occur.

What Is Harassment?

Harassment occurs when an employee or member of the Association is subjected to unwelcome verbal or physical conduct because of race, religious beliefs, colour, place of origin, gender, mental or physical disability, ancestry, marital status, or family status. BC human rights laws prohibit harassment in the workplace on these grounds.

Examples of harassment which will not be tolerated by the Association are: verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts about any employee's or members appearance, religious beliefs, colour, place of origin, mental or physical disabilities, ancestry, marital status, family status or gender.

The Association also will not tolerate the display of pornographic, racist or offensive signs or images; practical jokes that result in awkwardness or embarrassment; and/or unwelcome invitations or requests, whether indirect or explicit.

Harassment does not include reasonable management activities to direct and manage the work force.

All harassment is offensive and can have a detrimental impact on the workplace. The Association will not tolerate it.

What Is Sexual Harassment?

Sexual harassment, being discrimination on the grounds of gender, is a violation of the BC Human Rights Code. It is behaviour consisting generally of offensive sexual comments, gestures or physical contact that is unsolicited, unreciprocated and unwelcome.

Sexual harassment can include such things as pinching, patting, rubbing or leering, "dirty" jokes, pictures or pornographic materials, comments, suggestions, innuendoes, requests or demands of a sexual nature.

The behaviour need not be intentional in order to be considered sexual harassment.

A) What To Do

If you are being harassed:

1. If possible, tell the harasser his/her behaviour is unwelcome and ask him/her to stop.
2. Keep a record of incidents (date, times, locations, possible witnesses, what happened, your response). You do not have to have a record of events in order to raise a complaint, but a record can strengthen your case and help you remember details over time.
3. If, after asking the harasser to stop his/her behaviour, the harassment continues, report the problem in writing to the BOABC Executive Secretary as prescribed, in section 33 [1], [2], and [3], 'Complaints' section of the BOABC BYLAWS [see attached].

B) Complaint Process

1. Once the Secretary receives a complaint in writing, it will be kept strictly confidential as far as possible and "the identity of the complainant shall be kept confidential, unless the complainant waives confidentiality in writing", section 34. 'Complaints Procedures,' BOABC Bylaws. The Complaints Committee as per Section 34, 'Complaints Procedures' of the BOABC Bylaws, will undertake an investigation as soon as possible.
2. The Complaints Committee shall consider and investigate the complaint as per the section 34 of the Complaints Procedures. All information will be kept in confidence as far as possible. All reasonable steps will be taken to resolve the complaint informally. If appropriate, this process may include mediation, section 34 [5] (a) (b) 'Complaints Procedures'.
3. The Complaints Committee shall give its decision in writing to the BOABC Registrar, section 34.6 'Complaints Procedures'. If the investigation reveals sufficient evidence to support the complaint of harassment, the Complaints Committee may recommend the matter be referred, in whole or in part, to the BOABC Discipline Committee.
4. If the Discipline Committee finds a member or employee guilty, the harasser will be disciplined appropriately. Discipline may include a reprimand, suspension, fine or revoking or suspending certification and/or membership, section 36, 'Duties and Powers of the Discipline Committee'. No documentation will be placed on the complainant's file where the complaint is filed in good faith, whether the complaint is upheld or not.
5. If the investigation fails to find sufficient evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged harasser. Employees and members will be protected against vexatious complaints and such complaints may attract discipline.
6. Regardless of the outcome of a harassment complaint made in good faith, the member or employee of the Association lodging the complaint, as well as anyone providing information will be protected from any form of retaliation by other members, co-workers or superiors. This includes dismissal, demotion, unwanted transfer, and denial of opportunities within the Association or harassment of an individual as a result of her/his having made a complaint or having provided evidence regarding the complaint.

C) Responsibility of Management

It is the responsibility of a director, manager, or any person within the Association supervising one or more employees to take prompt and appropriate action to report and/or respond to incidents of harassment of any type whether personally observed or subsequently brought to their attention as a complaint. A fair hearing of all sides involved will be undertaken with sensitivity to privacy and emotions.

Building Officials' Association of British Columbia - Bylaws, Section 30 to 37

30. Professional Conduct

The Members of the Building Officials' Association of British Columbia (BOABC) accept the Rules in section 31 as a desirable method of achieving increased professional status for the Association. These Rules are based on principles that the Members accept as necessary for maintaining the high standard of behaviour to which the membership adheres.

These Rules will be applied under stated guidelines to ensure the protection of the rights of any Member of the Association whose conduct allegedly violates the said rules.

31. Rules of Professional Conduct

RULE 1: No Member of the Association shall engage in any unlawful activity in the performance of the Member's duties as a Building Official or in the Member's relationship with others as an employee, officer, business partner or business associate.

RULE 2: No Member shall be guilty of any serious and improper action in the performance of his or her duties that brings discredit and/or embarrassment to other members of the Association.

RULE 3: A Member must discharge all duties owed to the Member's employer, the Province, other members of the profession and the public, honestly, impartially, competently and without interference or undue delay.

RULE 4: No Member shall disclose to others or use to further his or her personal interest, confidential information acquired in the course of his or her official duties.

RULE 5: A Member should demonstrate personal integrity and assist in maintaining the integrity of the profession.

RULE 6: A Member should observe these Rules of Professional Conduct in spirit as well as in letter.

32. Complaints Committee

- (1) There shall be a standing Complaints Committee of the Association comprised of no fewer than three (3) Members of the Association appointed to the Committee by the President, plus one of the Minister's appointees to the Executive Committee, if there is one, when the Complaints Committee starts its inquiry.
- (2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.
- (3) The President shall name one member of the Complaints Committee to be Chair.

33. Complaints

- (1) A complaint that a Member has violated the Rules of Professional Conduct or Code of Ethics of the Building Officials' Association of B.C. (BOABC) shall be made to the Secretary in writing.

The complaint must contain a clear and concise statement, including pertinent dates, outlining the alleged breach of the Rules or Code and must be signed by the complainant. It is not necessary that the complainant be a Member of the Association.

- (2) A complaint submitted in accordance with subsection (1) shall be disposed of by the Complaints Committee within 180 days after the complaint is filed with the Secretary.
- (3) The identity of the complainant shall be kept confidential, unless the complainant waives confidentiality in writing.

34. Complaints Procedures

- (1) The Complaints Committee shall consider and investigate complaints filed in accordance with section 33 but no action shall be taken by the Committee under this Section unless the following procedures have been taken:
 - (a) a Member who is the subject of a complaint or whose conduct or actions are being investigated must be sent a notice of the particulars of the complaint, but not the identity of the complainant, and asked to respond or comment in writing to the Committee within the time limit set out in the notice, which shall be not less than thirty (30) days.
 - (b) the Committee must examine or make every reasonable effort to examine all records and other documents relating to the complaint, including the Member's response.
- (2) The Complaints Committee shall determine if there are reasonable and probable grounds for a complaint and shall, at all times, bear in mind the spirit of the Rules of Professional Conduct and the rights of any Member who is alleged to have breached those Rules or the Code of Ethics.
- (3) The Complaints Committee shall not inquire into or interfere with the business practices or policies of a local or provincial government, or a corporation, partnership or other association that relate to a complaint about a Member, unless the local or provincial government, corporation, partnership or association agrees to the inquiry or interference.
- (4) The Committee, in accordance with the information it receives, may:
 - (a) recommend that the matter be referred, in whole or in part, to the Discipline Committee;
 - (b) direct that the matter not be referred under paragraph (a); or
 - (c) take such action as it considered appropriate under the circumstances, and that is not inconsistent with the BOABC Act and the bylaws, including the Informal dispute resolution procedure in subsection (5)(a).
- (5)
 - (a) The Complaints Committee may decide that the alleged breach could be remedied through informal discussions with the Complainant and the Member. If so, the Complaints Committee shall appoint one of its members (the Mediator) to approach the Complainant and determine what the Complainant believes should be the outcome of the complaint procedure.
 - (b) With the Complainant's agreement and the approval of the Complaints Committee, the Mediator shall attempt to achieve this outcome through discussion and/or correspondence with the Member before resorting to formal disciplinary procedure. If the desired outcome is not achieved, the complaint may be brought forward again by any person.
- (6) The Committee shall give its decision in writing to the Registrar and, where the decision is made under subsection (4)(c), shall include its reasons.

- (7) The Secretary shall send to the Complainant and the Member by prepaid first class mail, a copy of the written decision of the Complaints Committee and its reasons, if any.
- (8) The Committee is not required to hold a hearing or to afford to any person an opportunity to make oral submissions before making a decision or giving a direction under this section.

35. Discipline Committee

- (1)
 - (a) There shall be a Discipline Committee, appointed by the President, and composed of at least three Members each with ten years experience as a Building Official, as long as three of those years have been served immediately prior to the appointment.
 - (b) Neither former members of the Complaints Committee who have dealt with complaints to be heard by the current Discipline Committee, nor current members of the Complaints Committee, are eligible to be members of the Discipline Committee.
- (2) All disciplinary decisions require the vote of the majority of the members of the Discipline Committee.
- (3) Three members of the Discipline Committee constitute a quorum.

36. Duties and Powers of the Discipline Committee

- (1) The Discipline Committee shall:
 - (a) When so directed by the Executive Committee, hear and determine allegations of professional misconduct or incompetence against a Member or former Member, and perform other duties assigned to it by the Executive Committee.
- (2) A Member or former Member may be found guilty of professional misconduct by the Discipline Committee upon satisfactory evidence of breach by the Member or former Member of the Rules of Professional Conduct or the Code of Ethics.
- (3) If the Discipline Committee makes a finding under section 14 (1) of the Act of professional misconduct in respect of a Member, it may take one or more of the actions authorized by section 14 (2) of the Act, namely:
 - (a) reprimand the Member,
 - (b) suspend the Member,
 - (c) impose limitations or conditions on the continuance of membership in the Association,
 - (d) revoke the certification of the Member as a Registered Building Official,
 - (e) expel the Member,
 - (e) if it expels the Member, impose limitations or conditions on the Member resuming his/her membership,
 - (g) impose a fine that the Member must pay to the Association, and
 - (h) require that the Member pay to the Association, within a specified period of time, the costs of the inquiry, including costs incurred by a Complainant or witness.

- (4) If the Discipline Committee makes a finding of professional misconduct in respect of a former Member, it may, by order, impose the penalties prescribed in section 14 (3) of the Act, namely:
 - (a) reprimand the former Member,
 - (b) impose limitations on the former Member resuming membership,
 - (c) impose a fine that the former Member must pay to the Association,
 - (a) require the former Member to pay to the Association, within specified period of time, the costs of the inquiry, including costs incurred by a Complainant or witness.
- (5) The Discipline Committee shall cause an order of the Committee revoking or suspending the certification and/or membership of a Member by name, to be published, with or without reasons, in the official publication of the Association.
- (6) The Discipline Committee shall cause a determination by the Committee that an allegation of professional misconduct was unfounded to be published in the official publication of the Association, but only upon the request of the Member against whom the allegation was made.
- (7) If the Discipline Committee is of the opinion that the commencement of any proceeding was unwarranted, the Committee may order that the Association reimburse the Member for his or her costs or a portion set by the Discipline Committee.
- (8) If the Discipline Committee revokes or suspends the Certification and/or membership of a Member, the order takes effect when the time for appeal from the order established by the Act has expired without an appeal being taken, or if taken, the appeal has been denied or abandoned.

37. Discipline Proceedings

- (1) In a proceeding before the Discipline Committee, the Association and the Member whose conduct is being investigated in the proceeding, are parties to the proceeding.
- (2) A Member whose conduct is being investigated in a proceeding before the Discipline Committee shall be afforded an opportunity to examine before the hearing, any written or documentary evidence that will be produced, or any report, which will be produced as evidence at the hearing.
- (3) A Member has the right to attend and make submissions in person or through a representative at a Discipline Committee hearing into the Member's conduct.
- (4) Members of the Discipline Committee:
 - (a) shall not have taken part before the hearing in any investigation of the subject matter of the hearing other than as a member of the Executive Committee, considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and
 - (c) shall not communicate directly or indirectly in relation to the subject matter of the hearing with any person or with any party or representative of any party, except upon notice to them, and giving an opportunity for all parties to participate,

but the Committee may seek legal advice from an advisor independent from the parties and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions on the law.

- (5) Hearings of the Discipline Committee shall be closed to the public but if the Member whose conduct is being investigated requests otherwise, by a notice delivered to the Secretary before the day set for the hearing, the Committee shall conduct the hearing in public, except where sensitive information about persons other than the Member outweighs the desirability of holding a hearing in public.
- (6) The oral evidence taken before the Discipline Committee may be recorded and, if requested, copies of the transcript, if any, shall be given exclusively to the parties to the hearing upon the same terms as the B.C. Supreme Court (General Division).
- (7) If the Discipline Committee makes a finding of professional misconduct against a Member, a copy of the decision shall be sent to the Complainant by first class mail.
- (8) The Discipline Committee shall endeavor to provide every reasonable opportunity for the Member to appear in his/her defence at the hearing inquiring into allegations of his/her misconduct. Nevertheless, if the Member is unwilling to cooperate in the setting of a Hearing date or refuses to appear at or send a representative to the Hearing, the Discipline Committee may proceed with the Hearing in the absence of the Member.
- (9) The notice of hearing and any subsequent notification relating to the complaint will be addressed to the Member at the Member's last address on file with the Association.

Powers of Inquiry

The Complaints Committee and the Discipline Committee have the power and authority granted to the Executive Committee and a designated Committee under section 13 of the Act when inquiring into the professional conduct and competence of a Member or former Member to determine if grounds exist for discipline under section 14 of the Act.