



# Indigenous-specific Anti-Racism and Discrimination Procedure

## 5.4.3PR

Procedures are a series of required steps to complete a task, activity or action



**Purpose:**

- To describe the actions and steps required to support the implementation of the [Indigenous-specific Anti-Racism and Discrimination Policy](#) to support [Leaders](#), [Employees](#), [Medical Staff](#), and [Contracted Healthcare Professionals](#) across Island Health to directly address [Indigenous-specific racism](#) and [discrimination](#) to advance [anti-racism](#), [cultural safety](#), and [cultural humility](#).

**Cultural Safety and Humility:**

Island Health offers programs and services on the unceded and traditional territories of the Coast Salish, Kwakwaka’wakw, and Nuu-chah-nulth 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:** [Leaders](#), [Employees](#), [Medical Staff](#), [Contracted Healthcare Professionals](#), and [Volunteers](#).
- Environment:**
  - Island Health-wide
  - All Island Health workplaces and care environments including affiliate care sites
- Indications:**
  - When witnessing or experiencing an act of Indigenous-specific racism or discrimination by:
    - an Employee, Medical Staff, or Contracted Healthcare Professional to another Employee, Medical Staff, or Contracted Healthcare Professional; or
    - an Employee, Medical Staff, or Contracted Healthcare Professional to a [Client](#).
- Exceptions:**
  - For concerns relating to [organizational racism](#) and [systemic racism](#), contact the Indigenous Employee Experience Advisor at [ISARreports@islandhealth.ca](mailto:ISARreports@islandhealth.ca).
  - For incidents of non-Indigenous-specific racism and discrimination, refer to the [Respectful Workplace Policy](#) and associated Procedures.
  - For situations that involve [violence](#), 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](#).
  - Clients and family members who experience or witness Indigenous-specific racism or discrimination can report care concerns through the [Patient Care Quality Office](#).

**Outcomes:**

- Enable everyone at Island Health to raise any concern relating to Indigenous-specific racism or discrimination in a manner that will provide an objective review of the concern, options for addressing the issue, and appropriate remedies that will contribute to anti-racist work and care environments.
- Leaders understand the Procedure and various supports that they are required to implement to address individual experiences of Indigenous-specific racism or discrimination.

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### 1.0 General

- Island Health recognizes the systemic nature of Indigenous-specific racism and discrimination, and that [Indigenous Peoples](#) may feel apprehensive or fearful to report based on negative experiences and/or lack of trust in the health care system. To mitigate additional harm from Indigenous-specific racism and discrimination that may be embedded in Island Health’s feedback and safety incident reporting processes, Island Health is actively engaged in ongoing Indigenous-specific anti-racism education as well as ensuring that everyone can safely offer feedback on the quality of reporting processes and supports to identify opportunities for quality improvement.
- This Procedure provides navigation to all parties regarding processes for safely and consistently responding to and reporting concerns of Indigenous-specific racism and discrimination.

### 2.0 Procedure

#### 2.1 Reporting a Concern

- Island Health promotes a [speak-up culture](#) against Indigenous-specific racism and discrimination by fostering a culturally safe environment where everyone has a duty to report all instances of Indigenous-specific racism and discrimination when experienced or witnessed and by ensuring that those who report can do so safely without fear of negative consequences in a manner that provides culturally safe ways to report and provide feedback.
- Island Health supports an “Any Door is the Right Door” approach to reporting concerns of Indigenous-specific racism and discrimination.
- Island Health is obligated to ensure reported concerns are resolved in a timely, transparent, and appropriate manner.
- When addressing concerns of Indigenous-specific racism and discrimination, Leaders and the [Respectful Workplace Team](#) will centre the needs of the Reporter by ensuring that processes are welcoming, transparent, and culturally safe.

##### 2.1.1 Reporting Concerns regarding Employees, Leaders, Medical Staff, Contracted Healthcare Professionals, and Volunteers

- Whenever safe and appropriate, immediate and direct approaches to resolving concerns of Indigenous-specific racism or discrimination are preferable as they focus on creating safety and rebuilding and repairing relationships. However, anyone who experiences or witnesses Indigenous-specific racism or discrimination is not obligated to pursue an immediate or direct approach as Island Health recognizes that it is not always in their best interest (e.g., it would not be safe, it involves their Leader, or they do not have the capacity to address the concern in the moment). Anyone wanting to pursue an immediate and direct approach may want to consider seeking support from their Leader or a delegate.
  - Anyone interested in reporting a concern relating to Indigenous-specific racism and discrimination can contact any of the following:
    - **Island Health’s Respectful Workplace Team**
      - The Respectful Workplace Team can be contacted at [ISARreports@islandhealth.ca](mailto:ISARreports@islandhealth.ca) or [respectfulworkplace@islandhealth.ca](mailto:respectfulworkplace@islandhealth.ca).
      - The Respectful Workplace Team can provide a confidential consultation and assessment as well as information regarding available supports and services.

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- Reporting a concern to the Respectful Workplace Team may be the preferable option for anyone who experiences or witnesses Indigenous-specific racism or discrimination as this option reduces the likelihood that the Reporter will have to reshare their experience multiple times.
- The Respectful Workplace Team can also provide information about how to report a concern to the appropriate regulatory body or the BC Human Rights Tribunal.
  - **Note:** Reporting a concern to the Respectful Workplace Team does not preclude the Reporter from reporting the concern to the appropriate regulatory body or the BC Human Rights Tribunal.
- **Island Health’s Indigenous Employee Experience Advisor**
  - Indigenous Employees, Medical Staff, and Contracted Healthcare Professionals can contact an Indigenous Employee Experience Advisor at [ISARreports@islandhealth.ca](mailto:ISARreports@islandhealth.ca) for assistance with reporting a concern and to learn about available supports and how culturally safe supports can be accessed.
  - The Indigenous Employee Experience Advisor will use a trauma-informed approach to supporting people who experience or witness Indigenous-specific racism or discrimination.
- **Medical Leadership and Medical and Academic Affairs**
  - For concerns involving a Medical Staff or Contracted Healthcare Professional, contact the Respectful Workplace Team at [ISARreports@islandhealth.ca](mailto:ISARreports@islandhealth.ca) or [respectfulworkplace@islandhealth.ca](mailto:respectfulworkplace@islandhealth.ca) or Medical and Academic Affairs at [EMSS@islandhealth.ca](mailto:EMSS@islandhealth.ca) for assistance with reporting a concern of Indigenous-specific racism or discrimination as well as information about available supports and resources.
  - Once a report is received about a Medical Staff or Contracted Healthcare Professional, Enhanced Medical Staff Support will contact the Reporter to conduct a confidential consultation and assessment.

### 2.1.2 Reporting Concerns regarding Clients or Visitors

- Anyone wanting to report a concern of Indigenous-specific racism or discrimination by Clients or visitors should report the concern to their Leader and the [British Columbia Patient Safety & Learning System](#). The Leader will follow up and determine an action plan to address the concern.
- Indigenous Employees, Medical Staff, and Contracted Healthcare Professionals can reach out to an Indigenous Employee Experience Advisor at [ISARreports@islandhealth.ca](mailto:ISARreports@islandhealth.ca) to learn about available supports and how culturally safe supports can be accessed.

## 2.2 Procedures for Addressing Workplace Concerns Relating to Indigenous-specific Racism or Discrimination

- The following information is meant to inform and assist individuals seeking to address a workplace concern relating to Indigenous-specific racism or discrimination.
- Every situation is different and will need to be handled appropriately based on the context.
- There are a number of approaches that may be taken in response to concerns that fall within the scope of the [Indigenous-specific Anti-Racism and Discrimination Policy](#).

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- Island Health has the right to make decisions regarding resolution approaches to address workplace concerns that are brought forward.

### 2.2.1 Local Level Resolution

- **Immediate and Direct Resolution**

- Immediate and direct approaches to resolving concerns of Indigenous-specific racism and discrimination should only be pursued when it is safe and reasonable to do so.
- Anyone who experiences or witnesses Indigenous-specific racism or discrimination is encouraged to speak directly with the individual(s) demonstrating the behaviour of concern using a “[Call In](#)” approach that seeks to address unsafe behaviours through education, feedback, and change in behaviour.
- Anyone pursuing an immediate and direct resolution is encouraged to use the following approach developed by the National Collaborating Centre for Indigenous Health:
  - Attempt to align with the values of the person as well as Island Health’s [values](#).
  - Describe the unsafe behaviour rather than label the person.
  - Express how the observed behaviour made you feel.
  - Draw clear boundaries by communicating to the person what behaviours will not be tolerated and what consequences may occur if the unsafe behaviours continue.
  - Respond to [microaggressions](#) with courage and maintain professional boundaries.
  - Additional information and resources can be accessed at [Preparing for Respectful Conversations](#).
- Anyone considering whether to proceed with an immediate and direct approach should consider first contacting their Leader, an Indigenous Employee Experience Advisor, the [Employee Family Assistance Program](#), or the [Respectful Workplace Team](#) for support and assistance in preparing for this conversation.
- If an immediate and direct approach does not result in a successful resolution to the concern, document the actions taken and report the concern to the [Respectful Workplace Team](#) or an Indigenous Employee Experience Advisor.

- **Leader Support**

- A key responsibility of any Leader at Island Health is to help foster anti-racist work and care environments by immediately intervening when witnessing Indigenous-specific racism or discrimination.
- Leaders also have a responsibility to supporting anyone who experiences or witnesses Indigenous-specific racism or discrimination by:
  - a. Attempting to assist the individual by:
    - Hearing the concern;
    - Acknowledging the impact of the unsafe behaviour on the individual; and
    - Clarifying what the individual wants and needs for resolution.
  - b. Exploring a variety of resolution options with the individual. Possibilities include, but are not limited to:
    - Facilitating a conversation between the individuals; and

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- Requesting agreement to contact the other person to explore ways of resolving the concern.
- c. Reaching out to an Indigenous Employee Experience Advisor, the [Employee & Family Assistance Program](#), and/or the [Respectful Workplace Team](#) if further supports are warranted.

### 2.2.2 What Happens After a Report is Made

- The following will occur once a report is made to the Respectful Workplace Team or Medical and Academic Affairs:
  - **Consultation, Assessment, and Determination of Next Steps**
    - A member of Island Health’s Respectful Workplace Team will contact the Reporter to conduct a confidential consultation and assessment. If the Reporter is Indigenous, the Respectful Workplace Team will connect them to an Indigenous Employee Experience Advisor to determine if additional supports, including cultural resources and support from an Indigenous Clinical Counsellor, may be appropriate. Respectful Workplace will also ask the Reporter if they would like to involve others (e.g., Elders or relatives) to support during the process.
    - The consultation is to understand the nature of the concern, what steps the Reporter may have taken so far, what other processes may be underway, and what resolution the Reporter is seeking. Respectful Workplace may require the Reporter to submit written confirmation of their concern. Respectful Workplace will gather this information and assess the concerns in relation to the [Indigenous-specific Anti-Racism and Discrimination Policy](#) and applicable legislation and regulation to determine the appropriate process needed to address the concern. The Respectful Workplace Team and Enhanced Medical Staff Support will use a trauma-informed approach that seeks to minimize the number of times the Report reshapes their experience to support psychological safety and wellbeing.
    - There are times in which more information is needed before a decision can be reached around process. In these cases, the Respectful Workplace Team will request consent for additional information gathering and discussion with others as appropriate.
    - A member of the Respectful Workplace Team will review options and determinations around process with the Reporter, if appropriate. If either the Reporter or the Respondent(s) disagrees with the decision of the Respectful Workplace Team, they may ask for a review by the Manager of Respectful Workplace Services. There may be times when the Respectful Workplace Team is required to initiate action without the consent of those involved if there is sufficient evidence that significant risk to an Employee, Medical Staff, Contracted Healthcare Professional, or to Island Health exists. Examples of significant risk include situations likely to result in psychological and/or physical harm as determined by Island Health.
  - **Medical and Academic Affairs and Respectful Workplace Roles**
    - The processes and required steps outlined in the [Respectful Workplace Procedures for Medical Staff, Resident Doctors, and Medical Students](#) will be followed in all cases where a reported concern of Indigenous-specific racism or discrimination involves a Medical Staff or Contracted Healthcare Professional.

### 2.2.3 Spectrum of Resolution

- Approaches to resolution may include, but are not limited to:

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- Guidance to support immediate and direct resolution including referral to supports and resources.
- Facilitated conversation supported by the Leader, Respectful Workplace and/or Enhanced Medical Staff Support.
- Mediation using external mediators, including Indigenous practitioners if requested by an Indigenous Employee, Medical Staff, Contracted Healthcare Professional, or Leader, to embed a variety of First Nations, Métis, and Inuit cultural supports (Healers and [Knowledge Keepers](#)) to address and promote healing from harm caused by Indigenous-specific racism and discrimination.
- Formal Investigation.
- 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 that new information has come forward, or a process undertaken has been unsuccessful in resolving the concern. In these circumstances, the Respectful Workplace Team will re-assess and communicate changes in process to the appropriate parties.
- **Direct Resolution**
  - Respectful Workplace may assess the concern as being appropriately resolved through further conversation. This might include coaching with the Reporter to prepare for a conversation, referral to [Employee & Family Assistance Program](#) 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 to address concerns of Indigenous-specific racism and discrimination by looking for opportunities to repair relationships and promote healing. 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.
    - All parties are willing and able to participate in the process.
    - An objective and skilled resource can be identified to facilitate the conversation.
  - Respectful Workplace will seek consent from the person who reportedly experienced Indigenous-specific racism or discrimination to notify appropriate interest holders who can support resolution. If all parties agree to participate in a facilitated conversation, an appropriate Facilitator may be assigned, either internal or external to the organization.
  - Where possible and appropriate, Respectful Workplace will retain the services of an Indigenous Facilitator.
  - Information about the steps and process of a facilitated conversation will be reviewed with each party by the Facilitator.
  - Following a facilitated conversation in which an agreement is reached, Respectful Workplace will close the file and will notify all parties when this occurs. Respectful Workplace will also then offer all parties the opportunity to provide formal feedback to support continuous learning and quality improvement.

### 2.2.4 Investigations

- **Investigations**

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- All investigations will follow the principles of fairness, thoroughness, timeliness, and confidentiality as outlined in the [Respectful Workplace Policy](#). If an investigation is required, Respectful Workplace will determine if internal or external resources are necessary to ensure that a fair and appropriate process occurs. Respectful Workplace will receive consent from the Reporter to bring the concern forward to the Investigator. Respectful Workplace is responsible for explaining the process of investigation to the Reporter, including that their concern will be shared with the Respondent(s) as part of the process.
- Island Health may initiate an investigation or take other action without the Reporter’s consent if there is sufficient evidence that an immediate and serious risk of harm associated with the reported concern exists as Island Health has an obligation to ensure safe work and care environments.
- Where an internal investigation is deemed appropriate, a member of the Respectful Workplace Team will be assigned to conduct the investigation.
- Respectful Workplace will engage an external Investigator in circumstances as deemed appropriate.
- 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 will be notified of the investigation and information will be provided about the process.
  - The Parties and any relevant witnesses will be interviewed by the Investigator. Individuals may have union or other support attend with them for interviews. Where the Respondent(s) is a Medical Staff, they are entitled to support from another member of the Medical Staff, a representative from the Medical Staff Association, their professional association, or legal counsel.
  - The Respondent(s) will receive particulars of the reported concern in advance of a meeting with the Investigator. This is intended to provide the Respondent(s) the opportunity to be aware of and prepare to respond to the reported concern.
  - 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 Reporter and the Respondent(s) in a conclusion letter.
- Further supports will be provided as needed for any measures being implemented as a result of an investigation, including any actions needed to restore relationships and promote healing.
- **Roles and Responsibilities in Investigations**
  - **Respectful Workplace/Medical and Academic Affairs:**
    - Provide confidential consultations and assessments to those considering reporting a concern of Indigenous-specific racism and discrimination.
    - Receive concerns of Indigenous-specific racism and discrimination.
    - Assess reported concerns of Indigenous-specific racism and discrimination on behalf of Island Health and determine the response.
    - Help determine whether additional supports are needed and provide connections to available supports.

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- Provide case management of investigations, including notifying the Parties.
- Ensure investigation procedures are followed in a timely, transparent, and appropriate manner.
- Receive the investigation report from the Investigator and share conclusions with the Parties and appropriate Leaders.
- Maintain the confidential investigation file.
- Track the number of reported concerns of Indigenous-specific racism and discrimination. This information will be shared with Indigenous partners to ensure transparency and accountability as well as with the Indigenous Health & Diversity, Equity and Inclusion portfolio to support decision-making regarding the allocation of organizational resources intended to address Indigenous-specific racism and discrimination.
- **Reporter, Respondent(s), and/or Witnesses:**
  - Participate 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.
  - Employee consent is required before any information can be disclosed to a union representative.
- **Investigator:**
  - Conduct investigations in accordance with this Procedure and best practice and provide a written report with conclusions to Respectful Workplace.
  - Information contained in investigation reports may in some cases be protected from disclosure as a result of the *Freedom of Information and Protection of Privacy Act (FIPPA)* and/or due to legal privilege. In the instance of a request for the report, each request must be referred to designated FOI staff at [FOI@islandhealth.ca](mailto:FOI@islandhealth.ca) for assessment under FIPPA.
- **Leader and Human Resources:**
  - Model the behaviours and actions consistent with an anti-racist workplace.
  - Participate in education and training as required and implement learnings.
  - Document the concern.
  - Support anyone who experiences or witnesses concerns of Indigenous-specific racism or discrimination including facilitating access to available supports and resources. This requires a fulsome understanding of what supports and resources are available to anyone who experiences or witnesses Indigenous-specific racism or discrimination.
  - Maintain confidentiality to the fullest extent possible.
  - Support the Parties in an investigation by monitoring the well-being and the need for interim measures to ensure safety in the workplace.
  - Interim measures may be imposed during the resolution process to ensure the workplace is safe and service within the involved area is not compromised. These measures will be

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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 violation of the [Indigenous-specific Anti-Racism and Discrimination Policy](#), Leaders will take appropriate actions in a reasonable time to address the findings and to prevent reoccurrence.

• **Consequences**

- Island Health may apply a spectrum of consequences if an investigation concludes that a violation of the [Indigenous-specific Anti-Racism and Discrimination Policy](#) occurred. Consequences may include, but are not limited to:
  - A meaningful apology from the Respondent(s) and/or Island Health;
  - Education and training to support learning and behaviour change;
  - Re-orientation to the Indigenous-specific Anti-Racism Policy and Procedure;
  - Administrative changes determined by Island Health;
  - [Restorative](#) approaches developed in collaboration with First Nations, Métis, and Inuit Peoples and communities where the person whose actions caused harm may take responsibility and, in discussion with those harmed, establish a suitable way to address the incident;
  - Formal reports to the appropriate regulatory body, if applicable;
  - Progressive discipline up to and including suspensions and terminations; and/or
  - Any other remedies deemed appropriate by Island Health.
- In circumstances where the Investigator determines the concern was reported in bad faith or found to be vexatious, vindictive, false or frivolous, appropriate action will be taken, which could include discipline for the Reporter, up to and including termination.

• **Closure and Follow-Up**

- The Reporter(s) and Respondent(s) involved in the investigation will be informed of the findings and conclusions using a trauma-informed approach that may involve the provision of additional supports. Additional supports may be available after the findings of the investigation are shared such as Indigenous councillors and cultural supports.
- It is recognized that experiences with behaviour contrary to Island Health's [Indigenous-specific Anti-Racism and Discrimination Policy](#) can be difficult for the Reporter, the Respondent(s), and any other parties involved. Island Health is committed to providing timely and culturally safe support, information, and opportunities for follow-up, as well as evaluation of its processes for handling concerns. The following recommendations might be included as part of evaluation and follow-up:
  - Individuals may access support available through the [Employee & Family Assistance Program](#) and Indigenous Clinical Counsellors if they self-identify as First Nations, Métis, or Inuit. Ongoing Indigenous Employee Experience support is also available through the [Indigenous Recruitment and Retention Team](#).

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- Individuals who have engaged in processes may provide feedback to the Respectful Workplace Team at any time with the assurance that feedback will be used to identify opportunities for quality improvement.
- Leaders may provide additional support for their team or unit where appropriate, which may include:
  - Communication to the team or unit that the situation has been resolved and actions to remedy the concern have been taken;
  - Additional debriefing supports assessed to be appropriate in the circumstances; and
  - Bringing in additional supports and resources as needed.
- 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 Indigenous-specific Anti-Racism and Discrimination Policy](#) and its objectives from the Respectful Workplace Team.
- Leaders can request team support from the Leadership and Organizational Development Team through their Human Resources Partner.

## 2.3 Considerations

### 2.3.1 Time Limits to Report Concerns

- Concerns can be reported up to one year from the date of the last incident. A report that does not meet this time limit may be accepted for consideration if circumstances warrant an extension of this deadline.

### 2.3.2 Confidentiality

- Confidentiality will be maintained to the fullest extent possible to protect the interests of the Reporter, the Respondent(s), and anyone else who may be involved in addressing a concern of Indigenous-specific racism or discrimination.
- All Parties, including witnesses, must not share information or discuss the details of a concern. The Reporter may discuss the concern with a councillor or when accessing other supports.
- All information relating to the reported concern including the content of meetings, interviews, investigation findings, and all other relevant information will be disclosed within Island Health only to the extent necessary to investigate and respond to the concern.
- All suspected violations of confidentiality must be reported to the appropriate Leader or directly to the Respectful Workplace Team who will assess whether the suspected violation invokes a requirement to report [privacy@islandhealth.ca](mailto:privacy@islandhealth.ca).
- Individuals who breach confidentiality will be held accountable and may be subject to penalty or sanction up to and including termination of employment or contract, withdrawal of privileges, and/or legal action.

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### 2.3.3 Consequences of Retaliation

- Any [retaliation](#) against any party involved in a reported concern or resolution process will not be tolerated and may lead to disciplinary action, up to and including dismissal.

### 2.3.4 Vexatious and Bad Faith Reported Concerns

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

### 2.3.5 Withdrawal of a Reported Concern

- At any time during the course of an investigation, the Reporter may choose to withdraw their reported concern unless the Investigator finds that the report was frivolous, vexatious, vindictive, false, or made in bad faith or in the event that the nature of the reported concern 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 reported concerns, including 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 and may be used to ensure transparency with Indigenous partners and to support quality improvement.
- Access to confidential records shall be governed by the *Freedom of Information and Privacy Protection Act*.
- All requests for records should be directed to Island Health’s [Information Stewardship, Access and Privacy Department](#) at [FOI@islandhealth.ca](mailto:FOI@islandhealth.ca).

### 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 this Procedure. These avenues may include, but are not limited to:
  - Collective agreement processes;
  - Reporting a concern with the British Columbia Human Rights Tribunal;
  - Notifying WorkSafeBC of their concerns;
  - Reporting a concern to the relevant professional bodies; and
  - Pursuing private proceedings.

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- In the case where the Reporter has opted to exercise their rights under one or more avenues of redress, Island Health, at its discretion, may stop its processes under [the Indigenous-specific Anti-Racism and Discrimination Policy](#) and Procedure pending the outcome of the other proceedings. In that case, both the Reporter and the Respondent(s) will be notified.
- In the case where the Reporter alleges discriminatory harassment, including sexual harassment, to their union representative, the Reporter must also advise the Employer through the usual reporting process.
- Respectful Workplace will support the investigation (i.e. notification to witness and parties and provide outcomes to the parties) and receive and maintain the confidential investigation report on conclusion.

## 2.4 Appeals Procedures

### 2.4.1 Grounds for Appeal

- A Respondent or a Reporter may submit a request for an appeal to the Respectful Workplace Appeals Committee. 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 [Indigenous-specific Anti-Racism and Discrimination Policy](#).
  - The Appellant has material evidence that was not 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 this Procedure that was not adequately remedied during the process.
- An Appellant must be an active Island Health Employee, Medical Staff, or Contracted Healthcare Professional.
- **Requirement of a Written Submission**
  - Prospective Appellants may request an appeal by submitting a request to the Respectful Workplace Appeals Committee at [rwappeals@islandhealth.ca](mailto:rwappeals@islandhealth.ca) within 45 business days from the receipt of their decision letter.
  - This 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; and
    - Copies of any documents on which the Appellant relies.
  - An appeal that does not meet this time limit may be accepted for consideration under this Procedure 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

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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.

- **Respectful Workplace Appeals Committee Review of the Record**

- The Respectful Workplace Appeals Committee is responsible for overseeing the appeals process. The Committee consists of the Vice President, People, 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 Committee will conduct the appeal via a review of the record. An appeal will not be a re-hearing of the concern and will not include a further investigation by an appointed investigator.

- **Respectful Workplace Appeals Committee Appeal Decision**

- The Respectful Workplace Appeals Committee will make a decision within 45 business days from the date of the letter notifying the Appellant the appeal will proceed. The Respectful Workplace Appeals Committee will communicate the decision to the Appellant using a trauma-informed approach that may involve the provision of additional supports. The Appellant will also be notified of the decision in writing.
- The Respectful Workplace Appeals Committee may accept or dismiss the appeal in whole or in part. Where the appeal in whole or in part is accepted, the Committee 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

- **Anti-Racism:** The practice of actively identifying, challenging, preventing, eliminating, and changing the values, structures, policies, programs, practices, and behaviours that perpetuate racism. Requires taking action to create conditions of greater inclusion, equality, and justice.
- **Bias:** A way of thinking or operating based explicitly or implicitly on a stereotype or fixed image of a group of people.
- **Call In:** An invitation to a private conversation to bring attention to an individual or group's unacceptable behaviour.
- **Client:** A person receiving care or services from Island Health and includes patients and residents.
- **Contracted Healthcare Professional:** A Physician, Nurse Practitioner, or Midwife duly trained and licensed by the appropriate regulatory college to practice in British Columbia, contracted by Island Health to provide care to individuals and groups at an Island Health owned and operated site or an Island Health operated service.
- **Cultural Humility:** A process of self-reflection to understand personal and systemic conditioned biases, and to develop and maintain respectful processes and relationships based on mutual trust. Cultural humility involves humbly acknowledging oneself as a life-long learner when it comes to understanding another's experience.

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- **Cultural Safety:** An outcome based on respectful engagement that recognizes and strives to address power imbalances inherent in the health care system. It results in an environment free of racism and discrimination, where people feel safe when receiving health care.
- **Discrimination:** Targeting an individual or group of people for negative treatment because of specific characteristics such as race, religion, sex, gender identity, sexual orientation, disability, or other protected characteristics. Discrimination can occur at an individual, organizational, or societal levels. It occurs when a particular social group is denied access to goods, resources, and services, either through action or inaction.
- **Employee:** All employees (including management and leadership), health care professionals, students, researchers, and other service providers employed by Island Health.
- **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.
- **Indigenous Knowledge Keeper:** First Nations, Inuit, and Métis Peoples who carry traditional knowledge in different cultural and spiritual practices.
- **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 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 individual that has direct reports within the organization or oversees the work of others.
- **Medical Staff:** The Physicians, Dentists, Oral Surgeons, Midwives and Nurse Practitioners who have been appointed to the Medical Staff, and who hold a permit to practice medicine, dentistry, midwifery, or nursing as a Nurse Practitioner in the Facilities and Programs operated by Island Health.
- **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.
- **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.
  - **Indigenous-Specific Racism:** The unique nature of stereotyping, bias, and prejudice about Indigenous Peoples in Canada that is rooted in the history of settler colonialism. It is the ongoing race-based discrimination, negative stereotyping and injustice experienced by Indigenous Peoples that perpetuates power imbalances, systemic discrimination, and inequitable outcomes stemming from the colonial policies and practices.

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- **Interpersonal Racism (also referred to as Relational Racism):** The most apparent form of racism. It is often displayed during day-to-day interactions and can include a spectrum of discriminatory behaviours such as name calling, racial slurs, microaggressions, and violence.
- **Microaggressions:** Brief and commonplace verbal, behavioural, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults toward people of colour.
- **Organizational Racism:** Organizational policies, practices, and workplace cultures that consistently penalize, disadvantage, or otherwise harm people, such as a lack of accountability for incidents of interpersonal racism (e.g., a lack of mechanisms to report or follow up on incidents), a workplace culture that normalizes stereotyping or racist remarks about people, or policies that are not designed with diverse people in mind or are not enforced equally across racialized groups.
- **Systemic Racism (also referred to as Structural or Institutional Racism):** A form of racism that is embedded and enacted into societal structures, institutions, and systems (e.g., practices, policies, legislation) and results in perpetuating inequities such as profiling, stereotyping, social exclusion, and discrimination for racial groups.
- **Restorative Justice:** A system of justice that focuses on the rehabilitation of offenders through reconciliation with victims and the community at large.
- **Retaliation:** Any action or treatment that harms the employment or working conditions of a person who reports a concern of Indigenous-specific racism or discrimination, seeks advice regarding responding to a concern of Indigenous-specific racism or discrimination, or cooperates in an investigation into an allegation of Indigenous-specific racism or discrimination. Retaliation can take many forms and may include: a change in hours or work location; harassment, bullying, or threats including behaviour outside of the workplace; breach of confidentiality including gossiping; reprimand, suspension, demotion, layoff, or dismissal, exclusion, and denial of opportunities for advancement.
- **Speak-Up Culture:** A safe space for people to speak up and speak out, where they can feel emboldened to point out both challenging areas and opportunities for new disruptions and innovations.
- **Trauma-informed Approach:** An approach that focusses on minimizing the potential for harm and re-traumatization and enhancing safety, control, and resilience for those involved with systems or programs. These approaches benefit everyone, regardless of whether they have experienced trauma or whether their personal history is known to service providers. Service providers and organizations who do not understand the complex and lasting impacts of violence and trauma may unintentionally re-traumatize. Embedding trauma-informed approaches into all aspects of policy and practice can create universal trauma precautions that provide positive support for everyone. They also provide a common platform that helps integrate services within and across systems and offers a basis for consistent ways of responding to people with such experiences.
- **Violence:** The attempted or actual exercise by a person of any physical force so as to cause injury to a worker and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that they are at risk of injury.
- **Volunteer:** A person who has been screened by the Volunteer Resources and Engagement Department or is a member of an affiliated Auxiliary or Foundation, 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 contracted healthcare professionals at Island Health.

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### 4.0 Related Island Health Policy Documents

- [Confidential Information Management Code of Practice](#)
- [Confidential Information - Privacy Rights of Personal Information Policy](#)
- [Domestic, Targeted Violence in the Workplace Policy](#)
- [Indigenous-specific Anti-Racism and Discrimination Policy](#)
- [Privacy and Related Information Security Breaches: Reporting, Investigation and Management](#)
- [Public Interest Disclosure Act Policy](#)
- [Respectful Workplace Policy](#)
- [Respectful Workplace Procedures for Employees](#)
- [Respectful Workplace Procedures for Medical Staff, Resident Doctors, and Medical Students](#)
- [Respectful Workplace Procedures for Volunteers](#)
- [Safe Reporting Policy](#)
- [Visitors who Pose a Risk to Health and Safety in Health Care Facilities](#)
- [Workplace Violence Prevention Program](#)

### 5.0 References

- *BC Human Rights Code*, RSBC 1996, c 210.
- *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c.165.
- Health Standards Organization. (2022). *British Columbia Cultural Safety and Humility Standard*. HSO 75000:2022(E).
- Turpel-Lafond, M. E. and Johnson, H. (2020). *In Plain Sight: Addressing Indigenous-specific Racism and Discrimination in B.C. Health Care*. Retrieved from: <https://engage.gov.bc.ca/app/uploads/sites/613/2020/11/In-Plain-Sight-Full-Report-2020.pdf>

### 6.0 Resources

- [British Columbia Patient Safety & Learning System](#)
- [Cultural Safety](#)
- [Employee Family & Assistance Program](#)
- [Indigenous Allyship & Anti-Racism](#)
- [Medical and Academic Affairs](#)
- [Preparing for Respectful Conversations](#) (video and companion worksheet)
- [Respectful Practice Education Experiences](#)
- [Respectful Workplace Team](#)
- [San'yas Indigenous Cultural Safety Training](#)
- [Seven Generations](#)
- “Working Together as One” to Address Indigenous-specific Racism and Discrimination

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