

A photograph of a chef in a white uniform and black hat talking to a woman in a red top in a kitchen. The chef is holding a knife. The woman is holding a white cloth. The background shows kitchen equipment like a mixer and a stove.

Workplace bullying and harassment

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Colin Adams
Prevention Officer

Focus of today's presentation

- Why is bullying and harassment a workplace health and safety issue?
- WorkSafeBC's bullying and harassment policies
- General duties of employers, workers and supervisors
- WorkSafeBC's bullying and harassment team
- Bullying and harassment by the numbers
- Bullying and harassment resources

Why is bullying and harassment a workplace health and safety issue?

Workplace bullying and harassment...

- is an occupational health and safety issue that poses a potential risk to the physical and mental health and safety of workers.
- can take place anywhere and at any time, and anyone can be a target.
- can take many forms, including verbal aggression, personal attacks, and other intimidating or humiliating behaviours.
- If not addressed, it can lead to lost productivity, anxiety, and, occasionally, suicidal thoughts or actions.

Effects of bullying and harassment

On the target

People react differently to bullying and harassment.

Reactions may include:

- distress, anxiety, sleep disturbance, substance abuse, or suicidal thoughts and actions
- physical illness
- reduced work performance
- impaired concentration or ability to make decisions, which could lead to safety hazards (such as a lack of attention when working with dangerous equipment)

Effects of bullying and harassment

On the overall workplace

Effects on the overall workplace may include:

- Reduced efficiency and productivity due to poor staff morale
- Increased stress and tensions between workers
- High absenteeism rates
- High turnover, and associated higher recruitment costs
- Higher levels of client dissatisfaction
- Complaints or claims to regulatory agencies including:
 - WorkSafeBC
 - BC Human Rights Tribunal

Bullying and harassment
policies

General duties of employers

Section 115 of the *Workers Compensation Act*

Every employer must ensure the health and safety of

- all workers working for that employer, and
- any other workers present at a workplace at which that employer's work is being carried out

An employer must also:

- provide to the employer's workers the **information, instruction, training and supervision** necessary to ensure the health and safety of those workers in carrying out their work and to ensure the health and safety of other workers at the workplace,

Bullying and harassment policies

Introduced November 1, 2013

- An employer has a duty to ensure the health and safety of its workers
- Employers must **take all reasonable steps** to prevent where possible, or otherwise minimize, workplace bullying and harassment.
- Policies set out obligations for:
 - Employers
 - Supervisors, and
 - Workers



Definition

Bullying and harassment

- includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but
- excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.



Bullying and harassment

Not every unpleasant interaction or disrespectful behaviour in the workplace is bullying and harassment

Examples of workplace interactions that are **NOT** considered bullying and harassment include:

- Expressing differences of opinion
- Offering constructive feedback, guidance, or advice about work related behaviour
- Reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment. This may include managing a worker's performance, taking reasonable disciplinary actions, and assigning work

Bullying and harassment video

- Consider including a video appropriate to your audience – hyperlinks included under images
- Delete this slide if not using video



Employers duties

Workplace bullying and harassment

Policy D3-115-2

- Take **all reasonable steps** to address to prevent where possible, or otherwise minimize, workplace bullying and harassment
- Not engage in bullying and harassment of workers and supervisors
- Apply and comply with the employer's policies and procedures on bullying and harassment

Employers duties

Reasonable steps to address the hazard

1. Develop a **policy statement** with respect to workplace bullying and harassment not being acceptable or tolerated

<Organization name>
**Workplace bullying and harassment
policy statement**

This is an example of a policy statement. It can be adapted to meet the needs of individual workplaces. Additional resources and an explanation of legal duties can be found at www.worksafebc.com/bullying/.

1. **Workplace conduct**
Bullying and harassment is not acceptable or tolerated in this workplace. All workers will be treated in a fair and respectful manner.
2. **Bullying and harassment**
 - (a) includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but
 - (b) excludes any reasonable action taken by an employer or supervisor relating to the

Employers duties

Reasonable steps to address the hazard

- Develop and implement **procedures for workers to report incidents or complaints** of workplace bullying and harassment
- Specify how, when and to whom a worker should report incidents or complaints.
- Include procedures for how a worker is to report situations where the employer, supervisor or person acting on behalf of the employer is the alleged bully and harasser



Employer duties

Reasonable steps to address the hazard

- Develop and implement **procedures for how the employer will deal with incidents or complaints** of workplace bullying and harassment, including:
 - How and when investigations are conducted
 - What will be included in an investigation
 - Roles and responsibilities
 - Follow-up to investigation (description of corrective actions, timeframe, dealing with adverse symptoms, etc.)
 - Record keeping requirements

Employer duties

Bullying and harassment investigation procedures

- A step by step approach
- Undertaken promptly and diligently
- As thorough as necessary in the circumstances
- Investigation and investigator must be fair and impartial
- Be fair to both the complainant and the respondent
- Be sensitive to the interest of everyone involved
- Confidentiality must be maintained to the extent possible
- Focus on finding facts and evidence
- Set out how the decision will be made and communicated
- Is there an appeal process?
- Outcome and corrective actions

Employer duties

Consequences of a poor B&H investigation

- Lost time and salary
- Loss of production
- Deterioration of morale at the workplace
- Deterioration of mental illness
- Potential for workplace violence
- Loss of confidence in the employer/employee relationship
- Subsequent complaints or claims
 - BC Human Rights complaint
 - WorkSafeBC discriminatory action complaint
 - Appeals to WorkSafeBC's Review Division
 - Time loss claims

Employer duties

Inform and train supervisors and workers

- Inform workers of the policy, procedures, and the steps taken by employer
- Train supervisors and workers how to
 - Recognize
 - Respond
 - Reportworkplace bullying and harassment



Employer duties

Annually review

- Policy statement
- Steps taken to prevent or otherwise minimize workplace bullying and harassment
- Reporting procedures
- Procedures for responding to incidents or complaints



Other regulatory requirements

Employers may have other obligations

- Actual or threatened use of physical force by a person against a worker may be addressed through the application of the *Occupational Health and Safety Regulation*
- Improper activities or behaviour between workers may be considered in the context of sections 4.24 to 4.26 – **Workplace conduct**
- Violence between a non-worker and worker may be considered in the context of sections 4.27 to 4.31 – **Violence in the workplace**

Worker duties – bullying and harassment

Prevention Manual Item D3-117-2

- Take reasonable care to protect themselves
- Protect the health and safety of others
 - Not engage in bullying and harassment
 - Report if bullying and harassment is observed or experienced at work
 - Apply and comply with the employer's policies and procedures



Supervisor duties – bullying and harassment

Prevention Manual Item D3-117-2

- Take reasonable care to protect the health and safety of workers:
 - Not engage in bullying and harassment
 - Apply and comply with the employer's policies and procedures



Scenario #1

- Jenny and Mei are licensed practical nurses who work together in a private care facility for seniors.
- Jenny has worked there for 15 years and Mei started six months ago.
- Their supervisor often compliments Mei on her work, but Jenny belittles Mei in front of patients and other workers.
- Yesterday, Jenny yelled at Mei in front of the patients and told her she never does anything right.

1. What is Mei experiencing?

2. How could Mei address the situation?

3. How could the supervisor or employer address the situation?

Scenario #2

- Sarah is a manager in a retail store.
- A new district manager was hired six months ago.
- Three months ago, the district manager told Sarah her performance was under review because her store was not meeting its targets.
- Sarah and the district manager have met every two weeks to review sales, salary and overtime, absenteeism, and contribution to corporate profits.
- Two other store managers are receiving similar performance coaching.
- Sarah has filed a workplace bullying and harassment complaint with Human Resources.

1. What is Sarah experiencing?

2. How could Sarah address the situation?

3. How could the district manager address the situation?

WorkSafeBC response

Complaints and claims to WorkSafeBC

- Bullying and harassment complaint
 - Worker must submit an online questionnaire
 - Focus is on the employer's response to the incident or complaint – whether the employer has adequate policy, procedure and training
 - A prevention officer will respond and consider whether the employer has taken reasonable steps to prevent where possible or otherwise minimize workplace B&H
- Claim for compensation
 - Worker has a diagnosed mental disorder as a result of a significant work-related stressor, including bullying and harassment
 - A case manager in the mental health claims unit will adjudicate the worker's entitlement
- Discriminatory action complaint
 - A worker has experienced retaliatory action on the part of an employer or union as a result of exercising a right or carrying out a duty specified by the Act or Regulation
 - An investigation legal officer in the compliance section will respond and determine whether a contravention has occurred

Bullying and harassment enquiries

- Between November 1, 2013 and December 31, 2016, a total of 11,471 bullying and harassment enquiries were received.
- This includes:
 - Almost 2,500 specific allegations of workplace bullying and harassment
 - Approximately 500 referrals from WorkSafeBC's claims adjudicators
 - Over 7,000 general enquires about employer duties, policy, procedure, and training around workplace bullying and harassment
- This translates into an average of almost 70 enquiries per week.

Resources

Resolving a B&H complaint

Steps to resolve your bullying and harassment complaint

1

Report to your employer

Report the bullying and harassment to your employer as soon as possible, following your employer's policies and procedures.

2

Contact the Prevention Information Line at 604.276.3100 (1.888.621.7233 toll free)

If your employer has not taken reasonable steps to address the incident, contact the Prevention Information Line and speak with a prevention officer about your employer's duty to take reasonable steps to prevent workplace bullying and harassment.

3

Submit a complaint

If the issue has not been resolved after reporting the incident to your employer and discussing it with a prevention officer, you may submit a complaint to WorkSafeBC. WorkSafeBC may make further inquiries into the steps your employer has taken to prevent workplace bullying and harassment.

Bullying and harassment toolkit

The **Bullying and Harassment Tool Kit** provides practical advice, tools, information and resources that will help employers, workers and supervisors to:

- Understand legal obligations under the *Workers Compensation Act* and OHS Policies
- Identify what is, and what is not, workplace bullying and harassment
- Take reasonable steps to prevent bullying and harassment from occurring
- Address incidents of bullying and harassment if and when they occur

Bullying and harassment toolkit

- Toward a Respectful Workplace: A Handbook on Preventing and Addressing Workplace Bullying and Harassment
- Small Business Guide to Bullying and Harassment
- Fact sheets

Toward a respectful workplace:

**A handbook on preventing
and addressing workplace
bullying and harassment**



WORK SAFE BC

Bullying and harassment toolkit

- Templates
 - Developing a Policy Statement
 - Developing Reporting Procedures
 - Developing Investigation Procedures
 - Training Presentation
 - Worker checklist
- Investigations Guide
- Posters
- Videos



Conclusion

Key points

- Bullying and harassment is a workplace health and safety issue
- Employer must have policy, procedure and training for recognizing, reporting and responding to incidents and allegations of workplace bullying and harassment
- Workers must report workplace bullying to the employer
- Resources for workers and employers are available on WorkSafeBC.com

Contact information

Colin Adams, occupational safety officer
Lead officer, Bullying & Harassment
Phone: 250-751-8076



WORKING TO MAKE A DIFFERENCE
worksafebc.com

Optional extra slides

WorkSafeBC prevention officer response

Will WorkSafeBC prevention officers respond to every incident, complaint or claim involving bullying and harassment in the workplace?

No.

- A worker who experiences bullying and harassment in the workplace must report it through the employer's established reporting procedures
- The employer must establish an internal process to prevent and address these issues

WorkSafeBC prevention officer's role

Will WorkSafeBC prevention officers become involved in resolving bullying and harassment issues in the workplace?

No.

- The employer must develop and implement a process for responding to incidents and allegations or workplace bullying and harassment.
- It is the employer's responsibility to follow their own process
- The officer's role is to ensure that the employer, worker and other workplace parties are fulfilling their obligations.