

Employer fact sheet

Workplace bullying and harassment

Occupational Health and Safety bullying and harassment policies

WorkSafeBC's Board of Directors approved three Occupational Health and Safety (OHS) policies under sections 115, 116, and 117 of the *Workers Compensation Act*, dealing with workplace bullying and harassment. The policies define bullying and harassment, and explain the duties of employers, workers, and supervisors to prevent and address workplace bullying and harassment.

These policies are effective November 1, 2013.

This fact sheet explains the duties of employers.

Bullying and harassing behaviour can include:

- verbal aggression or yelling
- humiliating initiation practices or hazing
- spreading malicious rumours
- calling someone derogatory names

Bullying and harassing behaviour does not 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 (e.g., managing a worker's performance, taking reasonable disciplinary actions, assigning work)

Employer duties include the following:

- not engaging in bullying and harassment
- developing a policy statement on bullying and harassment
- taking steps to prevent or minimize bullying and harassment
- developing and implementing procedures for reporting incidents and complaints
- developing and implementing procedures for dealing with incidents or complaints
- informing workers of the policy statement and steps taken to prevent bullying and harassment
- training workers and supervisors to recognize the potential for bullying and harassment, to respond, and to follow the procedures for reporting
- annually reviewing the policy statement and procedures

Definition of workplace 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 WorkSafeBC Policy Effective November 1, 2013

Employer Duties – Workplace Bullying and Harassment D3-115-2

Reasonable Steps to Address the Hazard

WorkSafeBC considers that reasonable steps by an employer to prevent where possible, or otherwise minimize, workplace bullying and harassment include the following:

- (a) developing a policy statement with respect to workplace bullying and harassment not being acceptable or tolerated;
- (b) taking steps to prevent where possible, or otherwise minimize, workplace bullying and harassment;
- (c) developing and implementing procedures for workers to report incidents or complaints of workplace bullying and harassment including how, when and to whom a worker should report incidents or complaints. Included must be procedures for a worker to report if the employer, supervisor or person acting on behalf of the employer, is the alleged bully and harasser;
- (d) developing and implementing procedures for how the employer will deal with incidents or complaints of workplace bullying and harassment including:
 - i. how and when investigations will be conducted;
 - ii. what will be included in the investigation;
 - iii. roles and responsibilities of employers, supervisors, workers and others;
 - iv. follow-up to the investigation (description of corrective actions, timeframe, dealing with adverse symptoms, etc.); and
 - v. record keeping requirements;
- (e) informing workers of the policy statement in (a) and the steps taken in (b);

- (f) training supervisors and workers on:
 - i. recognizing the potential for bullying and harassment;
 - ii. responding to bullying and harassment; and
 - iii. procedures for reporting, and how the employer will deal with incidents or complaints of bullying and harassment in (c) and (d) respectively;
- (g) annually reviewing (a), (b), (c), and (d);
- (h) not engaging in bullying and harassment of workers and supervisors; and
- (i) applying and complying with the employer's policies and procedures on bullying and harassment.

Practice

The definition of 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.

A 'person' includes any individual, whether or not they are a workplace party. This means that a 'person' could be a workplace party such as an employer, supervisor, or co-worker, or a non workplace party such as a member of the public, a client, or anyone a worker comes into contact with at the workplace.

In order to determine what is reasonable in the policy, a definition below is included for a 'reasonable person'.

Black's Law Dictionary, Ninth Edition defines a reasonable person as follows:

"...a person who exercises the degree of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own and of others' interests. The reasonable person acts sensibly, does things without serious delay, and takes proper but not excessive precautions..."

Resources and additional information

WorkSafeBC prevention information line
1.888.621.7233

Employers' Advisers Office
www.labour.gov.bc.ca/eao/

Workers' Advisers Office
www.labour.gov.bc.ca/wab/

WorkSafeBC has created a package of tools and resources to help workplace parties prevent and address workplace bullying and harassment. Access the online tool kit and OHS policies at www.worksafebc.com/bullying.