

Small business guide

Workplace bullying and harassment

Workplace bullying and harassment is an issue of growing concern. WorkSafeBC's Occupational Health and Safety (OHS) policies on bullying and harassment are **effective November 1, 2013**. They apply to all employers, workers, and supervisors in British Columbia.

What are the OHS policies on bullying and harassment?

The *Workers Compensation Act* sets out the general obligations of employers, workers, and supervisors (collectively known as workplace parties) to ensure or protect the health and safety of workers. These obligations include preventing and addressing workplace bullying and harassment. The OHS policies provide a consistent legal framework that identifies reasonable steps workplace parties can take to meet their legal duties. They are available at www.worksafebc.com/bullying.

What is workplace bullying and harassment?

Not every unpleasant interaction, instance of disrespectful behaviour, or workplace conflict is bullying and harassment. WorkSafeBC's OHS policies use the phrase "bullying and harassment" as a single term, which:

(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 management and direction of workers or the place of employment.

Examples of conduct or comments that might be bullying and harassment include: verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours. This is not a complete list. Other, more subtle behaviours, such as patterns of targeted social isolation, might also be considered bullying and harassment if they are humiliating or intimidating and fit the definition set out in the OHS policies.

Intent does not determine whether the behaviour is bullying and harassment. A person cannot excuse his or her behaviour by saying he or she did not intend it to be humiliating or intimidating.

What is not considered workplace bullying and harassment?

Bullying and harassment should not be confused with reasonable management action, such as decisions regarding job duties, workloads, deadlines, transfers, reorganizations, work

instructions or feedback, work evaluation, performance management, and/or disciplinary actions. However, managers and supervisors should ensure performance problems are identified and addressed in a constructive, objective way that does not humiliate or intimidate.

What are the differences between the OHS policies and claims for mental disorders?

The OHS bullying and harassment policies focus on preventing and addressing bullying and harassment in the workplace. In 2012, amendments to the *Workers Compensation Act* introduced compensation for mental disorders that arise out

of and in the course of employment, which may include exposure to bullying and harassment. A worker who suffers a mental disorder as a result of workplace bullying and harassment can file a claim for compensation with WorkSafeBC.

Complying with legal obligations

OHS policy D3-115-2, Employer Duties – Workplace Bullying and Harassment sets out nine steps WorkSafeBC considers reasonable for employers to take so that they comply with their legal obligations to prevent and address workplace bullying and harassment. A checklist of the required elements is provided, on page 3.

Employer checklist

Policy D3-115-2 item number	Further information	Completed
(a) develop a policy statement on bullying and harassment	page 3	<input type="checkbox"/>
(b) take steps to prevent or minimize bullying and harassment	page 3	<input type="checkbox"/>
(c) develop and implement procedures for workers to report incidents or complaints	page 4	<input type="checkbox"/>
(d) develop and implement procedures for dealing with incidents or complaints	page 4	<input type="checkbox"/>
(e) inform workers of the policy statement and steps taken to prevent bullying and harassment	page 5	<input type="checkbox"/>
(f) train supervisors and workers	page 5	<input type="checkbox"/>
(g) annually review (a), (b), (c), and (d)	page 5	<input type="checkbox"/>
(h) do not engage in bullying and harassment of other workers	–	<input type="checkbox"/>
(i) apply and comply with the employer's policies and procedures on bullying and harassment	–	<input type="checkbox"/>

Workplace policy statement

Employers must develop a written policy statement declaring that workplace bullying and harassment is not acceptable and will not be tolerated. Employers must also make sure workers are made aware of the policy statement.

For more information on how to create a policy statement, and to view a sample policy statement, refer to *Developing a policy statement* at www.worksafebc.com/bullying.

Preventing and minimizing bullying and harassment

Employers must take steps to prevent, where possible, or otherwise minimize, workplace bullying and harassment. This means that if an employer is aware of circumstances that present a risk of workplace bullying and harassment, preventative measures must be put in place.

For example, in an environment where clients are known to be verbally aggressive, an employer might have a screening process for phone calls, and escalate angry customers to a manager. Or, in a retail store, this might involve implementing procedures that enable a worker to call a manager or mall security if a customer bullies and harasses workers.

Procedures for reporting incidents and complaints

Employers must develop and implement procedures for workers to report incidents or complaints of workplace bullying and harassment, including how, when, and to whom a worker should report. Reporting methods should clearly state the process by which a worker can report a complaint. For example, procedures should indicate if workers are to report directly to the employer, supervisor, union representative, or other designated person.

Also, there must be reporting procedures for cases where the employer or supervisor is the alleged bully. If the employer cannot provide other reporting options, for example, if it is a very small business, workers can contact the WorkSafeBC prevention information line to report bullying and harassment by the employer (1.888.621.7233).

For more information on developing reporting procedures, view *Developing reporting procedures* at www.worksafebc.com/bullying.

Procedures for dealing with incidents or complaints

Employers must have procedures that state how they will deal with incidents and complaints of bullying and harassment in the workplace. Procedures must ensure a reasonable response, and aim to fully address the incident, while ensuring future bullying and harassment is prevented or minimized. These procedures must address:

- how and when investigations will be conducted
- what will be included in the investigation
- roles and responsibilities of employers, supervisors, workers, and others (such as investigators and witnesses)
- follow-up to the investigation (a description of corrective actions, a time frame, support for the target/witnesses)
- record-keeping requirements

For more information, and to view an example of an investigation process, refer to *Developing investigation procedures* and the *Investigations guide* at www.worksafebc.com/bullying.

Informing workers of the policy statement

All workers must be informed of the workplace policy statement and steps taken to prevent or minimize bullying and harassment. Employers could do this during new employee orientation programs or safety/staff meetings; notices could be posted in visible, high-traffic locations around the workplace; or periodic email reminders could be sent.

When raising awareness, review actions and behaviours that might be considered bullying and harassment, and those that are not.

Training workers and supervisors

When it comes to bullying and harassment, employers must ensure all workers – including supervisors – understand their responsibilities. Training for supervisors and workers must include the following:

- how to recognize bullying and harassment
- how workers who experience or witness bullying and harassment should respond
- procedures for reporting, and how the employer will deal with incidents or complaints of bullying and harassment

For more information, view the presentation template for training workers and supervisors at www.worksafebc.com/bullying.

Annual review

For anti-bullying and harassment strategies to be effective, they need to be current and practical. Every year, the employer must review:

- the organization's bullying and harassment policy statement
- steps to prevent or minimize workplace bullying and harassment
- reporting procedures
- procedures for dealing with incidents and complaints

During the review, the employer should consider whether there have been any bullying and harassment incidents or complaints in the past year. If so, the policy statement and procedures should be clarified or amended, as needed, taking the incident(s) into consideration.

As an employer, what other requirements must I meet?

Employers must do as follows:

- not engage in the bullying and harassment of other workers
- apply and comply with the employer's policies and procedures on bullying and harassment

For more information, view the **OHS Policy D3-115-2, Employer Duties – Workplace Bullying and Harassment** in the [Prevention manual](#).

Resources and additional information

WorkSafeBC small business service centre
604.214.6912

WorkSafeBC prevention information line
1.888.621.7233

WorkSafeBC claims call centre
1.888.967.5377

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.