

Frequently asked questions

Workplace bullying and harassment

Bullying and harassment basics

What is bullying and harassment?

Not every unpleasant interaction or disrespectful behaviour in the workplace is bullying or harassment. WorkSafeBC defines bullying and harassment as:

- (a) including 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) excluding any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment

What are my duties regarding bullying and harassment in the workplace?

Employers, workers, and supervisors must all take reasonable steps to prevent where possible or otherwise minimize workplace bullying and harassment. WorkSafeBC has developed Occupational Health and Safety (OHS) policies that set out reasonable steps to prevent where possible, or otherwise minimize, workplace bullying and harassment.

Where can I find the OHS policies?

The OHS policies are available in the Prevention manual:

- [Employer Duties — Workplace Bullying and Harassment — D3-115-2](#)
- [Worker Duties — Workplace Bullying and Harassment — D3-116-1](#)
- [Supervisor Duties — Workplace Bullying and Harassment — D3-117-2](#)

Are there any other resources to help me understand and comply with my obligations?

Yes. The bullying and harassment toolkit includes tips, information, and advice to help employers, workers, and supervisors meet their legal obligations. The tool kit is available free of charge at worksafebc.com/bullying.

WorkSafeBC has also produced a guideline that provides information on the reasonable steps employers must take to prevent where possible, or otherwise minimize, workplace bullying and harassment. [Guideline G-D3-115\(1\)-3](#) provides information on WorkSafeBC's approach to dealing with complaints of workplace bullying and harassment.

How does the bullying and harassment complaint process fit in with WorkSafeBC's discriminatory action complaint process and the mental disorder claims process?

In addition to the requirements of the OHS Policies, a worker may also have other rights and remedies under the Act, including a complaint of discriminatory action or a claim for compensation.

A worker who has experienced negative employment consequences, such as dismissal or demotion, as a result of reporting workplace bullying and harassment, may file a complaint of discriminatory action with WorkSafeBC.

A worker who has a diagnosed mental disorder that is predominantly caused by a significant work-related stressor, such as workplace bullying and harassment, may submit a claim for compensation.

Bullying and harassment information for employers

My firm already has a respectful workplace policy and an Occupational Health and Safety program. Do I need to have a separate bullying and harassment program?

You can choose to have a stand-alone anti-bullying policy, or to incorporate workplace bullying and harassment into a broader respectful workplace program. You should review your existing programs and agreements to ensure they address all of the requirements in the OHS policies.

The collective agreement in place at my workplace explains how complaints of bullying and harassment will be handled. Do I need anything more?

The collective agreement in place at your workplace may contain provisions around the responsibility to ensure a respectful workplace, and may set out the procedures to be followed in response to allegations of disrespectful behaviour. You must ensure that you have procedures for reporting and responding to allegations of bullying and harassment from all workers, including those who are not subject to any collective agreement.

How will the bullying and harassment policies apply on construction sites or in similar multi-employer workplaces?

The OHS policies apply equally across all workplaces, regardless of sector or industry. Employers working at a multiple employer workplace must take steps to prevent or minimize bullying and harassment that might originate from workers of other employers and ensure its workers do not bully or harass the workers of other employers.

The prime contractor at a multiple employer workplace must do everything that is reasonably practicable to establish and maintain a system or process to ensure compliance with occupational health and safety requirements. This includes maintaining a system for dealing with complaints of bullying and harassment between workers of different employers and ensuring employers comply with bullying and harassment requirements.

What obligation do I have around bullying and harassment procedures and training when it comes to temporary workers or workers from a labour supply company?

All workers must be provided with the information, instruction, training and supervision necessary to ensure their health and safety while working. If a worker is carrying out work for you at your workplace then you must ensure that worker is familiar with your policy and procedures around workplace bullying and harassment. [Guideline G-D3-115\(1\)-2 Labour supply firms and client employers — Responsibilities](#) provides additional information on responsibilities for worker health and safety.

If I have a small business, what would my bullying and harassment program look like?

All employers are required to take reasonable steps to address the hazard of workplace bullying and harassment, regardless of the size of the employer. All employers must have a policy statement, indicating that workplace bullying and harassment is not acceptable, as well as procedures for workers to report incidents and for the employer to address complaints. This includes procedures for how complaints will be investigated if the business owner is the alleged bully. Workers must be informed of the employer's policy and procedures, and be trained on how to recognize and respond to incidents of workplace bullying and harassment.

WorkSafeBC recognizes that small employers might face challenges if they do not have access to a human resources department or OHS specialist. The [Small business guide](#) provides information that may be helpful to small employers.

Is a third party investigation always required?

No, an employer is not required to involve a third party to investigate complaints of bullying and harassment. However, an employer must take all complaints of workplace bullying and harassment seriously and respond appropriately. An investigation into such a complaint must be reasonable and undertaken in good faith. The investigation must be fair, impartial, and focused on finding facts.

As a general rule, an employer may consider undertaking its own investigation when facts are easily ascertained, independent witnesses are available, the matter is uncomplicated, and there are no additional complex underlying issues or problems.

An employer may wish to arrange for a third party investigation for more serious or complicated complaints. A third party investigator may provide additional expertise in questioning witnesses, assessing credibility and weighing evidence, and can also approach the investigation in a more detached manner.

Bullying and harassment information for workers

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

No. A worker who observes or experiences bullying and harassment at work must report it to the employer through the employer's established reporting procedures. The employer must then respond to the complaint. WorkSafeBC may make further inquiries when the employer does not have policy, procedures or training in place to address workplace bullying and harassment, or when an employer has failed to take reasonable steps to address the complaint.

What happens when WorkSafeBC receives a complaint of workplace bullying or harassment?

WorkSafeBC's role is to ensure that an employer has adequate policy, procedures, and training in place to address bullying and harassment. WorkSafeBC may also confirm whether or not an employer has conducted an investigation and followed its own procedures when responding to specific complaints of workplace bullying and harassment.

When WorkSafeBC receives a complaint from a worker, a prevention officer will contact the worker to ask whether the worker has reported the bullying and harassment to the employer, and how

the employer responded to the complaint. The officer may contact the employer to ensure that there are adequate policy and procedures and that these procedures have been followed.

Will WorkSafeBC mediate disputes or resolve bullying and harassment complaints in the workplace?

No. Every employer must have a policy and procedures in place to address incidents and complaints of bullying and harassment at work. Specific disputes and complaints at a workplace should be resolved by the employer and worker in accordance with the employer's procedures.

WorkSafeBC may make inquiries to ensure workplace parties are fulfilling their obligations and have taken all reasonable steps to prevent where possible or otherwise minimize workplace bullying and harassment.

What if my employer or supervisor is bullying and harassing me?

An employer must have procedures for reporting bullying and harassment. These must include procedures for reporting when the employer, supervisor, or person acting on behalf of the employer is the alleged bully and harasser. If your employer does not have policies, procedures or training around workplace bullying and harassment, you may inform WorkSafeBC's toll-free prevention line at: 1.888.621.SAFE (7233).

Can I be fired for reporting workplace bullying and harassment?

Your employer is prohibited from retaliating against you for reporting any unsafe act or condition, including workplace bullying and harassment. If you believe you have suffered retaliation that affects your employment (such as a suspension, demotion, loss of wages, or a reprimand) by an employer or union regarding a health or safety issue, you may file a discriminatory action complaint.

I think my employer has performed an inadequate investigation and the issue is not resolved, what can I do?

Start by reviewing your employer's policy and procedure, as well as WorkSafeBC's policies and guidelines. Be sure you understand what your employer is required to do, and what might have been missed. If you can identify a specific gap in your employer's investigation, you may wish to discuss it with your employer.

Allegations and investigations into workplace bullying and harassment can be emotional, and it may take a bit of time for things to get back to normal.

If you have followed your employer's procedures and you believe that your employer has failed to take reasonable steps to address the incident, you may submit a bullying and harassment complaint to WorkSafeBC. Remember that WorkSafeBC's role is not to resolve or mediate any specific disputes or conflicts, but rather to ensure the employer has adequate policies, procedures and training in place to address workplace bullying and harassment. WorkSafeBC will ensure the employer has fulfilled its obligation to investigate complaints of bullying and harassment in a manner consistent with requirements of the OHS policies.