

Prevention of Workplace Bullying and Harassment

According to the Workers Compensation Act of BC, *all persons employed in a workplace have a duty to take all reasonable steps* to prevent where possible, or otherwise minimize, workplace bullying and harassment. Workplace bullying and harassment can lead to injury, illness or death.

Definition: *“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 management and direction of workers or the place of employment.

Examples of conduct or comment that might constitute bullying and harassment include, but are not limited to, the following:

- Verbal aggression, yelling or insults; calling someone derogatory names
- Vandalizing a worker's belongings or work equipment
- Sabotaging a person's work
- Spreading malicious gossip or rumours about a person
- Engaging in harmful or offensive initiation practices
- Physical assault or threats (this would also constitute "violence" or "improper activity or behaviour")
- Making personal attacks based on someone's private life and/or personal traits
- Making aggressive or threatening gestures
- Engaging in targeted social isolation
- Bullying and harassment can also include more subtle and less obvious conduct or comment.

Whether any conduct or comment will constitute bullying and harassment will depend on the context, and whether the individual engaging in the conduct or comment knew or reasonably ought to have known that the worker subject to it would be humiliated or intimidated.

Bullying and harassing behaviour does not include (from WorkSafeBC fact sheet):

- expressing differences of opinion
- offering constructive feedback, guidance, or advice about work-related behaviour
- reasonable actions 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

An employer has a duty to ensure the health and safety of its workers and, as a result, *employers must take all reasonable steps* to prevent where possible, or otherwise minimize, workplace bullying and harassment. Workplace bullying and harassment can lead to injury, illness or death.

According to the BC Workers' Compensation Act Section 115(1)(a) & Section 115(2)(e):

- (1) Every employer must
 - (a) ensure the health and safety of
 - (i) all workers working for that employer, and
 - (ii) any other workers present at a workplace at which that employer's work is being carried out....
- (2) Without limiting subsection (1), an employer must
 - (a) 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....

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.

Supervisor Duties

A supervisor has a duty to take all reasonable steps to ensure the health and safety of workers under their supervision, and as a result, a supervisor must take all reasonable steps to prevent where possible, or otherwise minimize, workplace bullying and harassment. Workplace bullying and harassment can lead to injury, illness or death.

According to the BC Workers' Compensation Act (Section 117):

- (1) Every supervisor must
 - (a) ensure the health and safety of all workers under the direct supervision of the supervisor....

A supervisor's obligation to ensure health and safety of workers includes:

- (a) not engaging in bullying and harassment of workers, other supervisors, the employer or persons acting on behalf of the employer; and
- (b) applying and complying with the employer's policies and procedures on bullying and harassment.

Worker Duties

A worker has a duty to take reasonable care to protect the health and safety of themselves and other persons, and as a result, a worker must take all reasonable steps to prevent where possible, or otherwise minimize, workplace bullying and harassment. Workplace bullying and harassment can lead to injury, illness or death.

According to the BC Workers' Compensation Act (Section 116)

- (1) Every worker must
 - (a) take reasonable care to protect the worker's health and safety and the health and safety of other persons who may be affected by the worker's acts or omissions at work....

A worker's obligation to take reasonable care to protect the health and safety of themselves or others includes:

- (a) not engaging in bullying and harassment of other workers, supervisors, the employer or persons acting on behalf of the employer;
- (b) reporting if bullying and harassment is observed or experienced in the workplace; and
- (c) applying and complying with the employer's policies and procedures on bullying and harassment.