

Workplace Bullying and Harassment

Contents

Overview	1
Key Facts	3
What Employers Need to Know	5
What Workers Need to Know	7
What Supervisors Need to Know	10
Resources	11
Who Can Help	11
Glossary	12
About this Wikibook	13
About Workplace Bullying and Harassment	13

Overview

This section focuses on why it is important to address workplace bullying and harassment and how it is defined. Examples of workplace bullying and harassment are also provided.

Why is it important?

As a society, we recognize that every employee has the right to work in a safe, respectful workplace. Bullying and harassment are health and safety issues. In British Columbia, our right to health and safety in the workplace is protected by a law called the *Workers Compensation Act* ^[1]. The government gives responsibility to implement the act to WorkSafeBC ^[2].

What is workplace bullying and harassment?

WorkSafeBC defines workplace bullying and harassment as "any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably should have known would cause that worker to be humiliated or intimidated."

Workplace bullying and harassment can happen to anyone, at any workplace. The workplace can be large or small, unionized or non-unionized. The workplace can be in the public sector, the private sector or the not-for-profit sector.

The bully may be one individual, or there may be a group of bullies. The target of the workplace bullying and harassment may be one person or a group.

What is not considered workplace bullying or harassment?

It is not workplace bullying or harassment when an employer or supervisor:

- expresses differences of opinion,
- offers constructive feedback or advice about work-related behaviour,
- takes reasonable action to manage a worker's performance or to assign work, or
- takes reasonable disciplinary action.

Examples of workplace bullying and harassment

These examples show some of the ways that bullying and harassment can happen in the workplace. They do not mention all forms of bullying and harassment.

If someone is bullying and or harassing you, they might use one or more of these behaviours:

- yells at you, insults you, or use other ways to make you afraid,
- spreads negative and untrue gossip about you,
- makes jokes that are offensive,
- refuses to speak to you,
- criticizes you constantly,
- makes you do something humiliating,
- withholds necessary information or deliberately gives you the wrong information,
- interferes with your personal belongings or work equipment,
- prevents you from doing your work properly, or

- gives you deadlines that are impossible to meet.

The bully may use these behaviours in person, by phone or online. When it happens online, it is called cyberbullying.

What protections do BC workers have against bullying and harassment?

In British Columbia there are protections against workplace bullying and harassment. It is important that every worker, manager, and supervisor is aware of the law and policies on workplace bullying and harassment:

- The *Workers Compensation Act* ^[1] is the law that is meant to protect workers in BC. Recent changes to the law address workplace bullying and harassment.
- WorkSafeBC ^[2] is the body that implements this law. It makes policies to protect the health and safety of workers. These policies include policies about workplace bullying and harassment.
- Almost all employers in British Columbia must register for insurance coverage with WorkSafeBC to protect their workers. This means that these changes apply to almost everyone in BC who has a job.
- The changes to the *Workers Compensation Act* also mean that people who are bullied or harassed in the workplace may be able to make a claim for compensation under that law.

When does the bullying and harassment becomes a crime?

Some bullying and harassment may be a crime. It is criminal behaviour when the bully uses physical force, or threatens to use it and a worker has reason to believe his or her safety is at risk.

The following actions are considered crimes:

- If someone at the workplace hits you or threatens to hit you and you believe they could, it is the crime of assault.
- If someone forces you to have sex without your consent, it is the crime of sexual assault.
- If someone threatens you, or constantly watches, follows or contacts you in a way that makes you fear for your safety.

If anyone commits any of these crimes at the workplace, report the incident to your supervisor or manager, and call the police.

Is workplace bullying and harassment the same as discrimination?

Some bullying and harassment behaviours may also be considered discrimination under the BC *Human Rights Code* ^[3] — such as when the behaviour involves racial or sexual discrimination towards a worker.

The BC *Human Rights Code* protects workers from unlawful discrimination. Discrimination means that someone treats you differently or worse than others because of their prejudice about the group you belong to. For example, the person may target you because of your race, ethnic origin, sex, disability, age, religion or belief, or sexual orientation.

For more information contact the BC Human Rights Tribunal ^[4]:

BC Human Rights Tribunal

1170 - 605 Robson Street

Vancouver, BC V6B 5J3

Phone: 604-775-2000

Fax: 604-775-2020

TTY: 604-775-2021

Toll-free in BC: 1-888-440-8844

Email: BCHumanRightsTribunal@gov.bc.ca

✓ The above was last reviewed for legal accuracy by People's Law School, 2014.



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References

- [1] <http://canlii.ca/t/84g2>
- [2] <http://www.worksafebc.com>
- [3] <http://canlii.ca/t/843q>
- [4] <http://www.bchrt.bc.ca>

Key Facts



This page is used in the Workplace Bullying & Harassment Lesson Module, a law-related ESL lesson for newcomers to Canada.

How common is it?

The Canada Safety Council reports:

- One in six employees has been bullied.
- One in five employees has seen a coworker bullied.
- Workplace bullying is four times more common than workplace discrimination.

It is very likely that workplace bullying and harassment is under-reported. It may be hard for people who are being bullied and harassed to identify what is going on. They may fear that the bullying and harassment will get worse if they report it.

Who might be a bully?

Anyone can be a bully. Some bullies are easy to identify, while others can operate more deceptively. The bully can be an employer, supervisor or co-worker. It can also be anyone the worker comes into contact with at the workplace, such as a client or a member of the public.

Bullies are equally likely to be men or women. There are many reasons why someone acts as a bully. For example, it may be that the bully:

- wants to have power over someone,
- wants to stop someone from getting ahead in their workplace,
- is unable to get along well with others,
- has low self-esteem, or
- was not trained in how to manage.

Who might be a target of bullying and harassment?

A workplace bully is most likely to choose someone they see as a threat. The target is typically someone who is capable and well-liked at the workplace.

Sometimes people think that a bullied person would be someone who is weak, and who is less capable than the bully. This is not true. The bully will most often target someone who knows how to get along well with others.

What impact does workplace bullying and harassment have?

Workplace bullying and harassment has a negative impact on workers and workplaces.

How individuals are affected

People who are the targets of bullying and harassment react in a range of ways which can include:

- shock,
- fear,
- anger,
- frustration,
- loss of self-confidence,
- loss of self-esteem,
- work-related panic or anxiety,
- family tension,
- low morale and productivity,
- injury on the job, and
- leaving the workplace.


How workplaces are affected

The health and safety of witnesses, coworkers and clients are also affected. Bullying and harassment can lead to:

- workplace stress,
- poor morale,
- more people taking time off work,
- a less productive workplace,
- injuries on the job, and
- workers leaving the job.

Bullies poison the workplace environment. Their comments and actions are bad for people and bad for business. They damage the trust and respect that people have for each other at the workplace.

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What Employers Need to Know



This page is used in the Workplace Bullying & Harassment Lesson Module, a law-related ESL lesson for newcomers to Canada.

This section deals with the duties that employers have under the BC *Workers Compensation Act* ^[1]. It outlines the steps employers must take in an effort to prevent or reduce workplace bullying and harassment.

Creating a respectful workplace

As an employer you can take steps to create a respectful workplace in a range of ways. For example:

- Build a workplace culture that embraces differences and promotes inclusion.
- Address bullying and harassment from the top down.
- Consult with workers and unions, where applicable.
- Understand how workplace structures and systems contribute to workplace bullying and harassment.

WorkSafeBC ^[2] has a toolkit of resources that provides practical tips and information for employers about how to deal with bullying and harassment in the workplace. You may wish to start with the handbook *Towards a Respectful Workplace* ^[3].

If you are an employer in small business, see WorkSafeBC's *Small Business Guide on Workplace Bullying and Harassment* ^[4].

Duty to protect worker's health and safety

As an employer you have a duty to protect the health and safety of all workers who work for you, and any other workers who are at the workplace where your work is being carried out.

It is an employer's duty to train workers and supervisors about bullying and harassment, and to prevent or reduce any bullying and harassment.

The steps you must take as an employer include:

1. Understand your duties to prevent and address workplace bullying and harassment.
2. Do not take part in bullying and harassment of workers and supervisors.
3. Develop a written policy statement. This policy statement should state clearly that workplace bullying and harassment is unacceptable and will not be tolerated. You must make sure that workers are aware of the policy statement.
4. Develop and implement policies and procedures for workers to report incidents and complaints of workplace bullying and harassment.
5. Develop and implement procedures for investigating incidents and complaints.
6. Inform and train workers and supervisors about the following:
 - how to recognize bullying and harassment,
 - how workers who experience or witness bullying and harassment should report it,
 - where workers can go for help and what help will be provided,
 - who the contacts are for reporting incidents, and
 - who is responsible for following up on complaints and incidents.

Working to prevent and reduce workplace bullying and harassment

As an employer you must take actions to prevent or reduce workplace bullying and harassment as much as possible. For example, if you are aware of circumstances that present a risk of workplace bullying and harassment you might need to:

- provide direction and supervision to affected workers,
- offer training on managing difficult situations, and
- make workplace arrangements to reduce the risks of bullying and harassment.

Reporting incidents

As an employer you must put procedures in place that state how you will deal with incidents of bullying and harassment in the workplace.

Your procedures should:

- provide a reasonable response,
 - aim to fully address the incident,
 - make sure future bullying and harassment is prevented or reduced as much as possible,
 - indicate to workers how to report bullying and harassment,
 - advise workers whom they should report to,
-
- state what should be included in the report,
 - provide details on how an investigation will be conducted, and
 - what follow-up will occur, including the time frame for addressing the behaviour and possible corrective actions.

The procedures about reporting should also include what the worker can do if the bully is:

- the employer, a supervisor, a person acting on behalf of the employer, or
- a client, a customer, or someone else outside the workplace structure.

If you have a small business with few personnel, then your procedures can say that workers can contact the WorkSafeBC prevention information line to report the incident.

WorkSafeBC Prevention Information Line

Lower Mainland: 604-276-3100

Toll-free within BC: 1-888-621-7233

Conducting an investigation

The purpose of conducting an investigation is to determine whether bullying and harassment has occurred.

An employer needs to make it clear to workers that complaints will be treated seriously and addressed promptly. Investigations should:

- take place promptly and be as thorough as is necessary,
- be fair and impartial,
- be sensitive to everyone's interests and maintain confidentiality as much as possible, and
- provide assistance with the process to the people involved if they ask for it or if they need it.


WorkSafeBC ^[2] has an investigations guide that includes sample questions employers can ask as part of an investigation process. It is available in the resources section of their website.



Inspections

WorkSafeBC will inspect workplaces to make sure employers have taken reasonable steps to develop and implement an effective program to prevent and address workplace bullying and harassment.

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References

[1] <http://canlii.ca/t/84g2>

[2] <http://www.worksafebc.com>

[3] <http://www2.worksafebc.com/pdfs/Bullying/BK137.pdf>

[4] <http://www2.worksafebc.com/pdfs/Bullying/BullyingHarassmentSmallBusiness.pdf>

What Workers Need to Know



This page is used in the Workplace Bullying & Harassment Lesson Module, a law-related ESL lesson for newcomers to Canada.

This section deals with the duties that workers have under the BC *Workers Compensation Act* ^[1], and what workers can do if they experience or witness workplace bullying and harassment.

Duty of workers

It is the duty of every worker to take reasonable care to protect their own health and safety and the health and safety of others. The responsibilities of workers in relation to workplace bullying and harassment are the following:

- Avoid taking part in bullying and harassment of anyone you come into contact with at the workplace. This includes coworkers, supervisors and employers. It also includes anyone else who happens to be at the workplace, such as a client, a member of the public, or someone acting on the employer's behalf.
- Report bullying and harassment if you experience or see it happening.
- Know what the employer's policies are on workplace bullying and harassment, and follow those policies.

WorkSafeBC ^[2] has a toolkit of resources that provide practical tips and information about how to deal with bullying and harassment in the workplace.

You may wish to start with the toolkit's handbook, *Toward a Respectful Workplace* ^[3]. It has more information about what you can do if you are the target of workplace bullying and harassment or if you witness it.

What can I do if I am the target or witness of bullying and harassment?

If you experience workplace bullying and harassment you must report it. Look at the worker checklist in the resources section ^[4] of WorkSafeBC's website on bullying and harassment.

Here are some steps you can take.

Find out about your workplace's policy and complaint procedures

Employers in BC are required by law to have a policy statement and complaint procedures on bullying and harassment. Find out about the policy and procedures in your workplace. Ask your employer, the human resources manager or your union representative.

Look at the workplace policy statement to see if the behaviour meets the definition of bullying and harassment. Review the procedures. These should include the name of the person to contact to make a report. If you cannot find out what to do about the bullying and harassment, call the WorkSafeBC Prevention information line for help. The prevention information line accepts anonymous calls.

WorkSafeBC Prevention Information Line

Lower Mainland: 604-276-3100

Toll-free within BC: 1-888-621-7233

Make a record of what happened

As soon as you can, write down what happened and record the following: who was involved, the date, time and place of the bullying and harassment, who if anyone saw it, and what was said and done. This information may be useful during an investigation. If you experience cyberbullying, keep hard copies of tweets, posts or emails for use in investigations.

Get some advice

You can get advice about what to do from the contact person named in the workplace bullying and harassment procedures. As well your human resources manager or union representative can provide advice.

If you feel safe and comfortable, talk to the bully

If you feel safe and comfortable, you could approach the bully and make it clear the behaviour is not appropriate at the workplace.

For suggestions about what to say, see WorkSafeBC's resources for an animated clip on Worker-to-Worker Bullying and Harassment ^[5].

Report the incident

Report the incident to the contact person named in the procedures. Include as much information as possible. For example:

- the names of everyone involved,
- the names of anyone who saw what happened,
- the location, date and time of the incident or incidents,
- details of what was said and what was done, and
- any other evidence you have such as emails, handwritten notes, photographs or damaged property.

Report all criminal activity to the police, including physical threats, assaults, and criminal harassment such as stalking.

What if the bullying and harassment continues?

If the bullying and harassment continues after the employer has investigated and addressed it, contact the person identified in your workplace's bullying and harassment procedures.

If you feel that your concerns were not addressed, talk to the next level of management, the union or your professional association. Phone the WorkSafeBC prevention information line for help.

WorkSafeBC Prevention Information Line


Lower Mainland: 604-276-3100

Toll-free within BC: 1-888-621-7233

Where can I get more information?

WorkSafeBC's website on bullying and harassment has a toolkit of resources ^[6] that provide practical tips and information.

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[1] <http://canlii.ca/t/84g2>

[2] <http://www.worksafebc.com>

[3] <http://www2.worksafebc.com/pdfs/Bullying/BK137.pdf>

[4] <http://www2.worksafebc.com/Topics/BullyingAndHarassment/home.asp>

[5] <http://www2.worksafebc.com/Publications/Multimedia/Videos.asp?ReportID=37264>

[6] <http://www2.worksafebc.com/Topics/BullyingAndHarassment/resources.asp?reportID=37260>

What Supervisors Need to Know

This section deals with the duties that supervisors have under the BC *Workers Compensation Act* ^[1], and what they can do to prevent and address workplace bullying and harassment.

Duties of supervisors

It is the duty of every supervisor to protect the health and safety of all workers under their direct supervision, and to understand all of the laws and regulations that apply to the work being supervised.

According to WorkSafeBC, the duties of supervisors in relation to workplace bullying and harassment are the following:

- Avoid taking part in bullying and harassment of anyone you come into contact with at the workplace. This includes coworkers, other supervisors and employers. It also includes anyone else who happens to be at the workplace, such as a client, a member of the public, or someone acting on the employer's behalf.
- If you experience bullying and harassment, or if you see it happening, you must report it.
- Know what the employer's policies are on workplace bullying and harassment, and follow those policies.

What if I have questions?

WorkSafeBC ^[2] has a toolkit of resources that provide practical tips and information for supervisors. Look at the fact sheet for supervisors ^[3]. You can also use the toolkit's handbook *Toward a Respectful Workplace* ^[4] to learn more about bullying and harassment, how to recognize it, and what you can do about it.


If you need more information about workplace bullying and harassment call the WorkSafeBC Prevention information line for help.

WorkSafeBC Prevention Information Line

Lower Mainland: 604-276-3100

Toll-free within BC: 1-888-621-7233

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References

[1] <http://canlii.ca/t/84g2>

[2] <http://www.worksafebc.com>

[3] <http://www2.worksafebc.com/PDFs/Bullying/BullyingHarassmentSupervisor.pdf>

[4] <http://www2.worksafebc.com/pdfs/Bullying/BK137.pdf>


Resources

Who Can Help

If you have experienced workplace bullying and harassment, help is available. This section provides contact details for relevant services and information.

BullyFreeBC	BullyFreeBC is dedicated to eliminate workplace bullying and harassment in BC.	www.bullyfreebc.ca ^[1]
WorkSafeBC	To learn how to keep your workplace safe from bullying and harassment, visit WorkSafeBC's bullying and harassment website. WorkSafeBC offers a variety of resources to support the employer, supervisor and and employee.	www.worksafebc.com ^[2]
WorkSafeBC Prevention Information Line	Contact WorkSafeBC's Prevention Information Line to report an unsafe situation in a workplace or get information on workplace health and safety issues.	Phone in Lower Mainland: 604-276-3100 Phone toll-free (BC and Alberta): 1-888-621-7233 Email: ssquery@worksafebc.com
WorkSafeBC Teleclaim Contact Centre	To report a mental disorder claim contact the Teleclaim Contact Centre between 8 a.m. and 6 p.m., Monday to Friday.	Phone toll-free: 1-888-967-5377 Telus, Rogers, and Bell mobility customers: #5377

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References

[1] <http://www.bullyfreebc.ca>

[2] <http://www.worksafebc.com>

Glossary

assign

Give someone a task or job to do.

complaint

A formal statement that someone has harmed you.

implement

To put in place, as in to implement a policy or procedure.

intimidate

Make someone feel afraid.

must

The word "must" identifies a legal duty or obligation of an employer, worker, supervisor, or organization.

policy

A plan of action for how things will be done.

procedures

Detailed steps that say how to perform a task.

self-esteem

The respect you have for yourself.

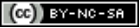
target

The person who is being bullied and harassed.

witness

Someone who saw and/or heard the bullying and harassment.


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About this Wikibook

About Workplace Bullying and Harassment

This wikibook from People's Law School contains information on workplace bullying and harassment. It includes what workers, employers, and supervisors need to know and do, and where you can get help or more information.

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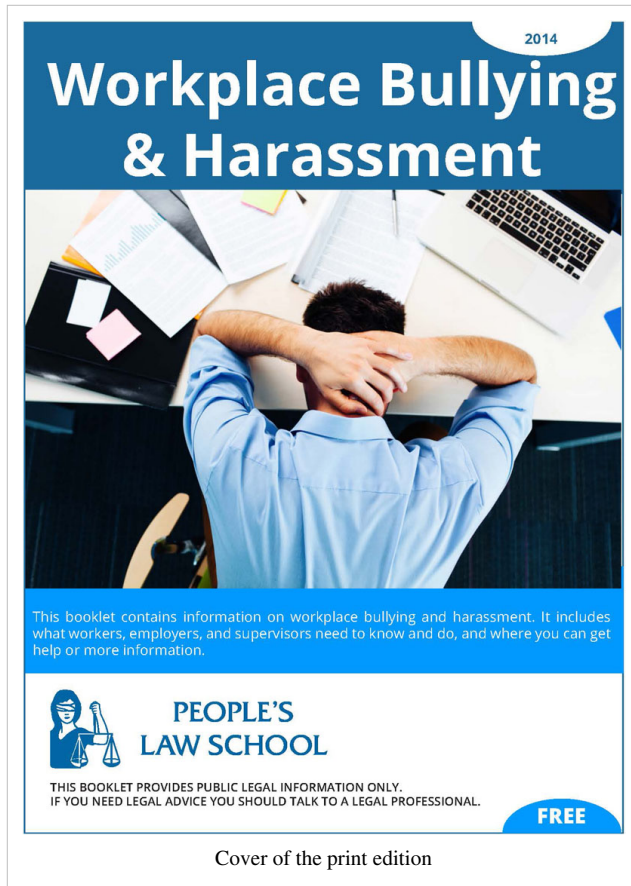
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- [1] <http://www.publiclegaled.bc.ca>