



Workplace Bullying and Harassment

Training and Legal Duties

October 2013

School District #8 (Kootenay Lake)



Training overview

- *Workers Compensation Act*
- Recognizing workplace bullying and harassment
- Employer obligations
- Responding — worker and supervisor obligations
- Reporting procedures
- Investigating incidents or complaints
- What co-workers can do to stop bullying and harassment
- Talking to a bully
- Additional information



Workers Compensation Act

- Duties of employers, workers and supervisors:
 - Ensure or protect health and safety
 - Includes workplace bullying and harassment
- Occupational Health and Safety (OHS) policies on workplace bullying and harassment, effective November 1, 2013



What is workplace bullying and harassment?

- Behaviour that humiliates or intimidates
- Examples might include:
 - Verbal aggression or name-calling
 - Vandalizing personal belongings
 - Sabotaging work
 - Spreading malicious rumours
 - Humiliating initiation practices / hazing
 - Personal attacks
 - Aggressive / threatening gestures
 - Cyber-bullying
- Can come from co-workers, supervisors, employers, external sources



What *is not* bullying and harassment?

- Expressing differences of opinion
- Offering constructive feedback
- Making a legitimate complaint about another worker's conduct
- Reasonable management action, including decisions about:
 - Job duties and work to be performed
 - Workloads and deadlines
 - Layoffs, transfers, promotions, and reorganizations
 - Work instruction, supervision, or feedback
 - Work evaluation
 - Performance management
 - Discipline, suspensions, or terminations



Effects and potential indicators

- Workplace bullying and harassment might result in:
 - Health and safety issues
 - Distracting someone who is performing dangerous tasks
 - Physical and/or psychological injury
 - Lower productivity
 - Lower morale
 - Higher absenteeism
 - Staff turnover — targets of bullying and harassment and their co-workers



Employer obligations

- Draft a workplace policy statement
- Prevent or minimize bullying and harassment
- Develop reporting procedures
- Develop procedures for dealing with / investigating incidents or complaints
- Train workers and supervisors



Policy statement

- Workplace bullying and harassment is unacceptable and not tolerated

School District #8 Policy 203:

- The Board of School Trustees recognizes the right of all members of the school community, including employees, students, parents and volunteers, to learn, work, consult and otherwise associate in an environment free from harassment and discrimination. To this extent, the Board will not tolerate any conduct that could be classified as harassment, sexual harassment, discrimination or bullying and will make every reasonable effort to ensure that no employee, student or parent is subjected to such behaviours. The Board complies with the B.C. Human Rights Code and is committed to providing healthful environments in which fairness and respect are both taught and modeled.



OTHER RELEVANT DOCUMENTS

- B.C. Human Rights Code
- Workers' Compensation Act Legislation and Regulations
- BCTF Collective Agreements (both provincial and local)
- CUPE Collective Agreement
- SD#8 Policy 203 – *Discrimination and Harassment*



Prevent or minimize

- If aware of risks, take steps to prevent or minimize bullying and harassment
- **Procedure for informal resolution of a complaint**
- Complainants are encouraged, but not required, to immediately tell the other person when his/her behaviour is considered inappropriate and unwanted and ask that the unwanted conduct stop. Persons should comply immediately with the request without retaliation. If the complaint is not resolved the following procedures should be followed:
 - 5.1 Procedures for teachers -
 - Complaints involving teachers will be subject to the provisions of the Collective Agreement with the employer.
 - 5.2 Procedures for C.U.P.E. Employees -
 - Complaints involving C.U.P.E. members will be subject to the provisions of the Collective Agreement with the employer.



Reporting procedures

- Every employee is required to report incidents of bullying/harassment.
- Report to your direct management supervisor (eg: principal, site supervisor)
- If the employer or supervisor is the alleged bully, then report to the Director of Human Resource Services and to a union representative
- You should report in writing – you may report by email, by letter, or by other written communique



EMPLOYEE RIGHTS

All employees have the right to:

- Make complaints (note: Teachers' Code of Ethics does NOT apply in harassment cases)
- Be informed of complaints against them
- A fair hearing
- A full investigation
- Confidentiality
- A representative of their choice



INFORMAL RESOLUTION OF HARASSMENT COMPLAINTS

Informal resolution of bullying/harassment complaints is subject to provisions of relevant Collective Agreements:
KLTF: Provincial Article E2
and CUPE Article 4.04, as well as School District Policy 203



Formal Resolution Procedures

Formal resolution of bullying/harassment complaints is also subject to provisions of relevant Collective Agreements:
KLTF: Provincial Article E2
and CUPE Article 4.04, as well as School District Policy 203



TIPS

- If you feel you are being subject to harassment, or if harassment is reported to you, **DOCUMENT with specific information**
- Ask for help – talk to an administrator, senior leadership person, Superintendent, your union representative, an identified harassment investigator, etc.
- **Do not ignore the complaint & ask for help if you are unsure if it is bullying/harassment**
- Read the relevant sections of the Collective Agreements and SD8 Policy
- You may also ask for advice from one of the District’s Harassment Investigators – please contact Deanna Holitzki (Director, HR)



Dealing with incidents or complaints

- Investigations are conducted as soon as possible – but they may take a long time to finish, depending on the circumstances
- If an external investigator needs to be contracted, investigations may take longer to initiate
- Employers are responsible to investigate complaints, follow proper procedures, keep the investigation confidential, report to the complainant and respondent after the investigation is complete, determine actions, and keep records confidential



What **must** workers do?

- Report if they observe or experience bullying and harassment
- Not engage in workplace bullying and harassment
- Apply and comply with workplace policies and procedures on bullying and harassment



What **must** supervisors do?

- Not engage in bullying and harassment
- Apply and comply with workplace policies and procedures on bullying and harassment



What can co-workers do to stop workplace bullying and harassment?

- Listen to the target
- Don't gossip
- Offer support (e.g., employee assistance program, counsellor)
- Document details of what you see to share in an investigation
 - Dates
 - Details
 - Witnesses
- Tell the bully to stop



Talking to an alleged bully

- If you are the target of, or witness to, bullying and harassment:
 - Tell the bully what behaviour was inappropriate
 - Make it clear the behaviour is unwanted and unacceptable
 - Stay calm
 - Don't retaliate
 - Report it



For more information

- **School District #8** policies and procedures can be found at <http://www.sd8.bc.ca/Policy/>
- For more information, contact our workplace bullying and harassment representative at dholitzki@sd8.bc.ca
- For more tips, resources and information, visit WorkSafeBC.com/bullying