

Workplace Bullying and Harassment



Cowichan Valley School District

WorkSafe BC Regulations

The *Workers Compensation Act* sets out the general duties of employers, workers, and supervisors to ensure or protect the health and safety of workplace parties.

- WorkSafe BC adopted new regulations effective November 1, 2013.
- They are aimed at preventing workplace bullying and harassment.

Regulations About Workplace Bullying and Harassment

- Employers, supervisors and workers must not engage in workplace bullying and harassment.
- Witnesses or targets of workplace bullying and harassment must report it.
- Employers must investigate complaints and deal with incidents of bullying and harassment.
- Employers must provide training for workers and supervisors.

Cowichan Valley School District Commitment:

- The Cowichan Valley School District is committed to providing a workplace where bullying and harassment are not acceptable or tolerated.
- The Superintendent has approved Administrative Procedures to implement the District's commitment.

What is Workplace Bullying and Harassment?

It includes any inappropriate conduct or comment that the person knew, or reasonably should have known, would cause a person to be humiliated or intimidated.

- Can come from co-workers, supervisors, employers, external sources.
- Not every unpleasant interaction, instance of disrespectful behaviour, or workplace conflict is bullying and harassment.

Examples of Workplace Bullying and Harassment

Examples might include:

- Verbal aggression or name-calling
- Vandalizing personal belongings or sabotaging work
- Spreading malicious rumours
- Humiliating initiation practices / hazing
- Personal attacks
- Aggressive / threatening gestures
- Cyber-bullying

Is It Just Bad Behaviour?

- Not every inappropriate action or comment is bullying and harassment.
- Arbitrator's ruling:
 - “... All of us, on occasion, are stupid, heedless, thoughtless and insensitive ...”
 - “... should not be trivialized, cheapened or devalued by using [bullying and harassment] as a loose label to cover petty acts or foolish words, where the harm, by any objective standard, is fleeting ...”

What is not Workplace Bullying and Harassment?

- Expressing differences of opinion or offering advice.
- 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 of Bullying and Harassment

- 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

The Employer must prevent or minimize workplace bullying and harassment and:

- Adopt a policy statement.
- Develop reporting procedures.
- Develop procedures for dealing with and investigating incidents or complaints.
- Train workers and supervisors.

What must workers do?

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

What must supervisors do?

- Not engage in workplace bullying and harassment.
- Apply and comply with the Employer's policies and procedures on workplace bullying and harassment.

Reporting procedures

Whether you are the target or a witness, you are required to report in writing any incident of workplace bullying and harassment.

- If the alleged bully or harasser is a student, parent or member of the public, report to the principal or supervisor.
- In all other cases, report directly to the Superintendent of Schools or the Secretary-Treasurer.

Once a Report of Bullying and Harassment Has Been Made...

- The District will promptly investigate the incident to determine if it is workplace bullying and harassment.
- The alleged bully and the target will be interviewed separately.
- They will have a chance to respond to the other person's account.
- The investigator may talk to witnesses, supervisors or other people and collect other evidence.

Once a Report of Bullying and Harassment Has Been Made...

- The District must bring in an impartial outside investigator if the Superintendent of Schools, the Secretary-Treasurer or any of the Trustees are involved in alleged bullying and harassment.
- In other cases, the District may bring in an impartial outside investigator to assist.
- The Investigation will be as confidential as possible.
- The target and the alleged bully will receive a copy of the report.

Timelines

- The District must commence an investigation within ten working days of receiving a complaint.
- The District will provide a copy of the investigator's report to the alleged bully and the target within ten working days of receiving it.
- If the investigator determines that workplace bullying and harassment has occurred, the District will begin action within ten working days to ensure it stops and offer assistance to the target.
- Notify WorkSafe BC within 3 days if a worker develops an illness as a result of workplace bullying and harassment.

After the Investigation...

- If workplace bullying and harassment did occur, the District will promptly take action to ensure it stops.
- This may include:
 - Training
 - Counselling
 - Mediation
 - Relocation of workers to a different site
 - Disciplinary action
- The District will assist the target to find help dealing with adverse symptoms of workplace bullying and harassment.

Training

- The District will publish the Policy, Procedures, Reporting Forms and Training Resources on the District's website, www.sd79.bc.ca
- The Policy, Procedures and Reporting Forms will be:
 - Distributed to each of the District's work sites and provided to the Joint Health and Safety Committee at each site.
 - Provided to the District Health and Safety Committee.
 - Provided to the unions representing the District's employees.

Training

- The District will provide training to all workers, including supervisors, that includes:
 - Their obligation to not engage in bullying and harassment at the workplace.
 - How to recognize the potential for bullying and harassment.
 - Their obligation to report bullying and harassment they experience or witness.
 - Procedures for reporting and how the District will deal with those reports.
 - Their obligation to apply and comply with the Districts policy and procedures on workplace bullying and harassment.
- Supervisors will also be trained on their obligation to ensure their staff do not bully or harass others.

Annual Review

- The Board's policy and the procedures authorized by Superintendent of Schools will be reviewed annually.
- The District Health and Safety Committee will be asked for its input as part of the review.

For more information

- Cowichan Valley School District's policies and procedures can be found at www.sd79.bc.ca
- For more information you can also speak directly with your supervisor or your union representative.
- For more tips, resources and information, visit www.WorkSafeBC.com/bullying