



Proposed OHS Bullying and Harassment Policies

**Employers' Forum
January 24, 2013**

Proposed OHS Bullying and Harassment Policies

Stakeholder Input

- Pre-consultation
- Meetings with Employers' Forum/BC Federation of Labour
- Province-wide consultation

Proposed OHS Bullying and Harassment Policies

Feedback - Generic

1. Intent should be to 'prevent' not 'address' BH
 - *Agree – recommend amending policies accordingly*
2. Reword definition of BH
 - *Recommend removal of the terms 'vexatious' and 'offended'*
3. Want longer implementation period – new territory
 - *Will develop tool kit and guideline*
 - *Initial focus on education/training before other compliance tools*
 - *WES to determine implementation timeframe*

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Feedback - Employer Duty Policy

- 1) Remove requirement for a risk assessment in favour of a more prescriptive approach
 - *Agree*
- 2) Change reporting procedures
 - *Agree - recommend rewording of reporting procedures including procedures if the employer is the alleged bully and harasser*
- 3) Make policy performance based
 - *Disagree - need prescriptive approach for guidance to stakeholders, WorkSafeBC Officers and decision-makers*

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Feedback - Employer Duty Policy

- 4) Other alternatives when reporting adverse symptoms
 - *Agree - recommend flexibility for other alternatives*
- 5) Confusion over who is going to resolve BH complaints
 - *WorkSafeBC officers to review whether elements in the policy have been developed, implemented and reviewed*
 - *Dedicated team of officers to be established*
- 6) Concern with the filing of frivolous/vindictive complaints in addition to discriminatory action complaints
 - *WorkSafeBC officers investigate and adjudicate discriminatory action complaints*
 - *Employers retain authority to manage*

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Feedback - Supervisor and Worker Duty Policies

Supervisors be explicitly afforded protection against BH and supervisors must not engage in BH

- *Recommend worker duty policy be amended to add that workers must not BH supervisors, and supervisor duty policy be amended to add that supervisors must not BH other supervisors or workers*

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BOD instructed PRD to seek guidance from the PPCC on further consultation before the proposals are brought to them for decision

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Revised Employer Duty Policy

Definition: “***bullying and harassment***”

- 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
- excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

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Reasonable steps to address the Hazard

- (a) Developing a policy statement with respect to workplace BH not being acceptable or tolerated;
- (b) Developing and implementing procedures for workers to report incidents or complaints of workplace BH 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 is the alleged BH;

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Reasonable steps to address the Hazard cont.

- (c) 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.

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Reasonable steps to address the Hazard cont.

(d) informing workers of the policy statement;

(e) training workers on:

- i. the means of recognizing the potential for bullying and harassment;
- ii. the appropriate response to bullying and harassment; and
- iii. procedures for reporting, and how the employer will deal with incidents or complaints of bullying and harassment;

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Reasonable steps to address the Hazard cont.

- (f) Annually reviewing the policy statement in (a), and the procedures for reporting and dealing with incidents or complaints in (b) and (c) respectively.