

## **BACKGROUND**

### **1. Preamble**

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.

This Policy provides a consistent legal framework for stakeholders, WorkSafeBC Officers and decision-makers identifying what WorkSafeBC considers to be reasonable steps for an employer to prevent where possible, or otherwise minimize, workplace bullying and harassment.

WorkSafeBC Officers will review whether the elements in this Policy have been developed, implemented and periodically reviewed.

### **2. Explanatory Notes**

Section 115(1)(a) of the *Workers Compensation Act* (“Act”) requires an employer to take all reasonable steps in the circumstances to ensure the health and safety of its workers.

Section 115(2)(e) of the *Act* requires an employer to inform, instruct, train and supervise workers to ensure their safety and those of other workers.

This policy (D3-115-2), which flows from the above sections in the *Act*, discusses employer duties regarding bullying and harassment. It identifies what WorkSafeBC considers to be reasonable steps for an employer to take to address the hazards of workplace bullying and harassment.

There are two other related policies that address workplace bullying and harassment which are Policy D3-116-1, Worker duties, and Policy D3-117-2, Supervisor duties.

### **3. The 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
  - (e) 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....

## **POLICY**

### **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.

### **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;

## PREVENTION MANUAL

- (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.

## **PRACTICE**

The definition of 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.

A 'person' includes any individual, whether or not they are a workplace party. This means that a 'person' could be a workplace party such as an employer, supervisor, or co-worker, or a non workplace party such as a member of the public, a client, or anyone a worker comes into contact with at the workplace.

## PREVENTION MANUAL

In order to determine what is reasonable in the policy, a definition below is included for a 'reasonable person'.

Black's Law Dictionary, Ninth Edition defines a reasonable person as follows:

“...a person who exercises the degree of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own and of others' interests. The reasonable person acts sensibly, does things without serious delay, and takes proper but not excessive precautions...”

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**EFFECTIVE DATE:** November 1, 2013

**AUTHORITY:** s 115(1)(a) and s115(2)(e) of the *Workers Compensation Act*

**HISTORY:**

**APPLICATION:**

## **BACKGROUND**

### **1. Preamble**

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.

This Policy provides a consistent legal framework for stakeholders, WorkSafeBC Officers and decision-makers identifying what WorkSafeBC considers to be reasonable steps for a worker to prevent where possible, or otherwise minimize, workplace bullying and harassment.

### **2. Explanatory Notes**

Section 116(1)(a) of the *Workers Compensation Act* (“*Act*”) requires workers to take reasonable care to protect the health and safety of other persons who may be affected by the worker's acts or omissions at work.

This policy (D3-116-1), which flows from the above section in the *Act*, discusses worker duties regarding bullying and harassment.

There are two other related policies that address workplace bullying and harassment which are Policy D3-115-2, Employer duties, and Policy D3-117-2, Supervisor duties.

### **3. The 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....

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- (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.

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.

## **PRACTICE**

The definition of 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.

A 'person' includes any individual, whether or not they are a workplace party. This means that a 'person' could be a workplace party such as an employer, supervisor, or

## PREVENTION MANUAL

co-worker, or a non workplace party such as a member of the public, a client, or anyone a worker comes into contact with at the workplace.

Black's Law Dictionary, Ninth Edition defines a reasonable person as follows:

“...a person who exercises the degree of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own and of others' interests. The reasonable person acts sensibly, does things without serious delay, and takes proper but not excessive precautions...”

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**EFFECTIVE DATE:** November 1, 2013

**AUTHORITY:** s 116(1)(a) of the *Workers Compensation Act*

**HISTORY:**

**APPLICATION:**

**RE: Supervisor Duties - Workplace Bullying and Harassment**

**D3-117-2**

## **BACKGROUND**

### **1. Preamble**

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.

This Policy provides a consistent legal framework for stakeholders, WorkSafeBC Officers and decision-makers identifying what WorkSafeBC considers to be reasonable steps for a supervisor to prevent where possible, or otherwise minimize, workplace bullying and harassment.

### **2. Explanatory Notes**

Section 117(1)(a) of the *Workers Compensation Act* (“Act”) requires supervisors to take all reasonable steps to ensure the health and safety of workers under their supervision.

This policy (D3-117-2), which flows from the above section in the *Act*, discusses supervisor duties regarding bullying and harassment.

There are two other related policies that address workplace bullying and harassment which are Policy D3-115-2, Employer duties, and Policy D3-116-1, Worker duties

### 3. The Act

#### Section 117

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

## **POLICY**

### **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.

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.

## **PRACTICE**

The definition of 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.

A ‘person’ includes any individual, whether or not they are a workplace party. This means that a ‘person’ could be a workplace party such as an employer, supervisor, or co-worker, or a non workplace party such as a member of the public, a client, or anyone a worker comes into contact with at the workplace.

## PREVENTION MANUAL

Black's Law Dictionary, Ninth Edition defines a reasonable person as follows:

“...a person who exercises the degree of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own and of others' interests. The reasonable person acts sensibly, does things without serious delay, and takes proper but not excessive precautions...”

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**EFFECTIVE DATE:** November 1, 2013

**AUTHORITY:** s 117(1)(a) of the *Workers Compensation Act*

**HISTORY:**

**APPLICATION:**