



Posted on: March 14, 2018

WORKPLACE BULLYING AND HARASSMENT: FAQs FOR SMALL BUSINESS EMPLOYERS

By: Georg Reuter

Q: Do I need a Bullying and Harassment Policy?

A: Yes. WorkSafeBC requires all BC employers to have a written policy to prevent bullying and harassment in the workplace. All employees are to be provided with a copy of the bullying and harassment policy, and the policy statement must be reviewed every year.

Q: I already have a Sexual Harassment and/or Non-Discrimination Policy. Do I also need Bullying and Harassment Policy?

A: Yes. Bullying and harassment is different from the conduct typically dealt with under a workplace sexual harassment or non-discrimination policy. For example, WorkSafeBC defines bullying and harassment as *"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."*

Examples of conduct or comments that might constitute bullying and harassment include verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours.

Q: Can I still discipline an employee without bullying or harassing them?

A: Yes. Not every unpleasant interaction in the workplace is bullying or harassment.

Managers and supervisors must be able to do their job. This may sometimes include disciplining an employee, expressing a difference of opinion, offering constructive feedback or frank advice about work-related behaviour or performance. It may also include making a legitimate complaint about a co-worker.

As long as these actions are taken in a *respectful* manner, they will not be bullying and harassment.

Q: What must I do if an employee reports being bullied or harassed?



A: If, as an employer, you receive a report of an employee being bullied or harassed, you will be required to investigate the matter.

To investigate the report of bullying and/or harassment you will have to:

- Inform the person who is accused of the bullying or harassment (the “respondent”), of the complaint. If the complaint has been made in writing, then a copy of the complaint should be provided to the respondent.
- Interview the complainant, the respondent and any witnesses to the complaint.
- Try to ensure that the investigation is dealt with in confidence. Only those with a “need to know” should be informed of the details of the investigation. This means that the names and statements of witnesses should usually not usually be disclosed and that reports prepared in investigating the complaint should only be disclosed on a “need to know” basis.

The purpose of the investigation is to determine the facts. Once you have determined the facts (and determined whether or not the bullying or harassment occurred), you will then need to determine the outcome and any required disciplinary action.

The scope of the investigation will depend on the severity of the alleged bullying and harassment. In cases where the incident is relatively minor, it may be possible to deal with the situation quite informally without the need for an extensive investigation. In more serious cases a careful and thorough investigation should be conducted. In some cases it may even be appropriate to contract with an external investigator to conduct the investigation.

Q: What responsibilities do my employees have?

A: Employees are responsible for their conduct in the workplace. This means that they must treat other employees with respect, and must not bully or harass their co-workers.

Employees are also under an obligation to report bullying and harassment if they see it in the workplace.

All employees should be reminded “inappropriate” and “disrespectful” conduct in the workplace will not be tolerated. Conduct which might be acceptable among family and friends (such as off-colour jokes), physical contact (such as hugging, massages, pats on the shoulder, hand or head) and staring at, or flirting with, co-workers, is NOT appropriate in the workplace.

Q: Is there anything else I need to do in addition to having a Bullying and Harassment Policy?



RICHARDS
BUELL
SUTTON

Established in 1871

A: Yes. In addition to drafting a Bullying and Harassment Policy, WorkSafeBC requires employers to:

- Prevent or minimize bullying and harassment;
- Train workers and supervisors;
- Develop reporting procedures; and
- Develop procedures for dealing with / investigating incidents or complaints.

There are also other laws which deal with conduct in the workplace under:

- the BC Human Rights Code;
- the BC Employment Standards Act; and
- the Criminal Code.

