

# Workplace Bullying and Harassment

## Training and Legal Duties

**Skeetchestn Administration/Human Resources**

**Skeetchestn Indian Band**

**Training with SIB Staff**

**November 24<sup>th</sup> 2015**

# 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

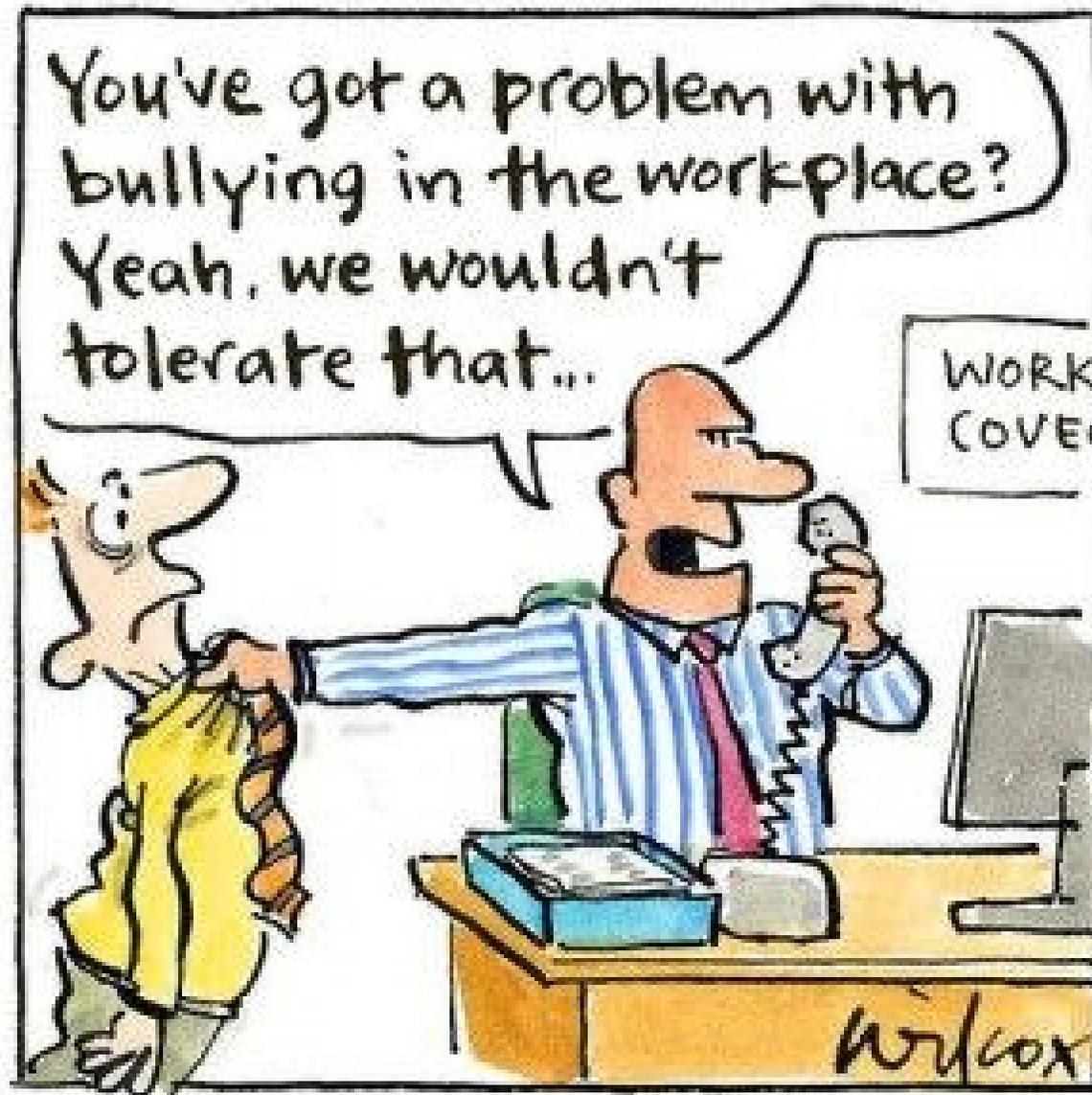
# What is workplace bullying and harassment?

- 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: Skeetchestn Personnel Policy Appendix C

## Our commitment

- The Skeetchestn Indian Band is committed to providing a safe and respectful work environment for all staff.

No one - whether a Council member, manager, employee, Band member or member of the public - has to put up with harassment, including sexual harassment, for any reason, at any time. And no one has the right to harass anyone else, at work or in any situation related to employment. This policy is one step toward ensuring that our workplace is a comfortable place for all of us.

# Prevent or minimize

- If aware of risks, take steps to prevent or minimize bullying and harassment

## **Speak up**

- If you believe you are being harassed, speak up right away. If possible, tell the person that you are not comfortable with their behaviour, and want it to stop. Usually, that will be all you need to do. You can speak to them directly, or write them a letter (date it and keep a copy). In addition, tell someone you trust what is going on.

## **Keep notes**

- Record all unwelcome or harassing behaviour. Write down what has happened, when, where, how often, who else was present, and how you felt about it. Write down every instance of harassment.

# Reporting procedures

- Report to **your immediate supervisor**.
- If the employer or supervisor is the alleged bully, then report to **Human Resources Manager or Director of Operations or Director of Finance**.

## **Report it**

- If the harassing behavior occurs again, or if you are unable to deal directly with the person harassing you, report it to your Department Manager or the Director of Operations.
- If for some reason you are unable to report harassment to someone in the Band Office you might be able to go to the police for a case of sexual or physical assault. You may also go directly to the Canadian Human Rights Commission.
- Once a person reports harassment, the Director of Operations will ask questions such as what happened, when, where, how often and who else was present and will keep notes of this conversation.

# Dealing with incidents or complaints

## Skeetchestn Indian Band Workplace bullying and harassment investigation procedures

### 1. How and when investigations will be conducted

Most investigations at SIB will be conducted internally. In complex or sensitive situations, an external investigator might be hired.

Investigations will:

- be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances
- be fair and impartial, providing both the complainant and respondent equal treatment in evaluating the allegations
- be sensitive to the interests of all parties involved, and maintain confidentiality
- be focused on finding facts and evidence, including interviews of the complainant, respondent, and any witnesses
- incorporate, where appropriate, any need or request from the complainant or respondent for assistance during the investigation process

### 2. What will be included

Investigations will include interviews with the alleged target, the alleged bully, and any witnesses. If the alleged target and the alleged bully agree on what happened, then SIB will not investigate any further, and will determine what corrective action to take, if necessary.

The investigator will also review any evidence, such as emails, handwritten notes, photographs, or physical evidence like vandalized objects.

### 3. Roles and responsibilities

SIB Director of Operations is responsible for ensuring workplace investigation procedures are followed.

Workers are expected to cooperate with investigators and provide any details of incidents they have experienced or witnessed.

SIB Director of Operations the HR Manager will conduct investigations and provide a written report with conclusions to <name/job title of the person responsible for receiving reports>.

If external investigators are hired, they will conduct investigations and provide a written report with conclusions to SIB Director of Operations or HR Manager.

### 4. Follow-up

The alleged bully and alleged target will be advised of the investigation findings by SIB Director of Operations.

Following an investigation, the HR Manager will review and revise workplace procedures to prevent any future bullying and harassment incidents in the workplace. Appropriate corrective actions will be taken within a reasonable time frame.

In appropriate circumstances, workers may be referred to the employee assistance program or be encouraged to seek medical advice.

### 5. Record-keeping requirements

SIB expects that workers will keep written accounts of incidents to submit with any complaints. SIB will keep a written record of investigations, including the findings.

### 6. Annual review

These procedures will be reviewed annually. All workers will be provided with a copy as soon as they are hired, and copies will be available at the various department offices.

<b>Date created</b>	<b>Annual review date</b>
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## Worker: How to document incidents of workplace bullying and harassment

**OHS Policy D3-116-1: Workers must report if bullying and harassment is observed or experienced in the workplace.**

<b>Date, time, location</b>	<b>People involved</b> (include witnesses)	<b>Describe the situation</b> (words, tone, actions, etc.) <b>and the impact</b> (humiliated, intimidated, etc.)

# 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

- **Skeetchestn Indian Band** policies and procedures should be kept in every department offices and can also be found at [www.Skeetchestn.ca/humanresources](http://www.Skeetchestn.ca/humanresources)
- For more tips, resources and information, visit [WorkSafeBC.com/bullying](http://WorkSafeBC.com/bullying)