



Bullying & Harassment: Making it Right!

Defining Workplace Violence

... “*work place violence*” constitutes any action, conduct, threat or gesture of a person towards an employee in their work place that can reasonably be expected to cause harm, injury or illness to that employee
(CLC Part XX 20.2)

The word “person” includes both individuals who work in the work place as well as others who may enter the work place, such as clients
(*Canadian Occupational Health & Safety Regulations*)

Defining Harassment

Harassment is any improper conduct by an individual, that is directed at and offensive to another person or persons in the workplace, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises any objectionable act, comment or display that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat. It includes harassment within the meaning of the Canadian Human Rights Act. (i.e. based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and pardoned conviction).

Treasury Board Policy on Prevention and Resolution of
Harassment in the Workplace

Prohibited Grounds & Harassment

- Race
- National or ethnic origin
- Color
- Religion
- Age
- Sex or sexual orientation
- Marital status
- Family status
- Disability
- Pardoned conviction

Question for Group Discussion:

What might be some workplace examples of harassment under one or two of the prohibited grounds?

PIPSC Policy on Harassment

Harassment is any unwelcome or unwanted action by any person(s) that occurs in an Institute-related setting (such as Institute office, other worksites, business-related trips, lunches or social functions) that humiliates, insults, demeans, embarrasses or degrades. The action can be verbal or physical, on a single or repeated basis.

Unwelcome or unwanted in this context means any actions which the person knows, or ought reasonably to know, are not desired by the victim of harassment. The courts have determined reasonableness from the point of view of the victim. In other words, unwelcome and unwanted behaviour is considered harassment based on what a reasonable person would find to be harassment.

PIPSC Harassment Policy
adopted BoD, August 2007

Defining Workplace Bullying

Acts or verbal comments that could 'mentally' hurt or isolate a person in the workplace. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.

Bullying in the Workplace,
Canadian Centre For Occupational Health and Safety

Workplace Bullying & Harassment

- It is rarely a one-time incident, it is repeated and often a series of escalating behaviors.
- It results in physical and/or psychological distress.
- It has an impact on the target, their families and others in the workplace.
- Workplace bullying & harassment are often referred to as a “silent epidemic”.

The Dynamic of Harassment & Bullying

The dynamic is usually between two individuals - a bully/harasser and his/her target, although group of employees may also be singled out. It is important to note that bullying goes beyond the target – often colleagues are witness to bullying and are forced to look the other way. There is also a group-think dynamic that comes into play in workplace bullying, in other words, colleagues often find themselves involved in the bullying directly or indirectly.

Harassment

Harassment is frequently connected to the prohibited grounds. It is important to note that there can be other actions or behaviours that can constitute harassment outside of the prohibited grounds; these might be when:

- the behaviour is unwelcome or offensive
- a reasonable person could perceive the conduct as unwelcome or offensive
- it constitutes that actions that are demeaning, belittling or result in personal humiliation or embarrassment
- it could be a one-time incident or a series of incidents over a period of time

Caution! Harassment is a serious workplace issue and shouldn't be confused with interpersonal conflict.

Quiz on Workplace Harassment

For each of the following questions, answer true or false based on the following statement:

This is workplace harassment...

1. A manager expects an employee to undertake responsibilities that the person feels are beyond their job description.
2. A manager raises performance issues or concerns which the employee feels are not fair or accurate reflections of their performance.
3. Procedures, tasks and processes seem to be changing all of the time which increases employees stress at work.

What Isn't Workplace Harassment

- Normal exercise of management's right to manage such as the day-to-day management of operations, performance at work or absenteeism, the assignment of tasks, reference checks, and the application of progressive discipline, up to and including termination
- Workplace conflict in itself does not constitute harassment but could turn into harassment if no steps are taken to resolve the conflict.
- Work related stress in itself does not constitute harassment, but the accumulation of stress factors may increase the risk of harassment.
- Difficult conditions of employment, professional constraints, and organizational changes.

What can you do? Recourse

- Informal Conflict Resolution
- Complaint pursuant to the TB policy on Harassment Prevention and Resolution
- Grievance under the collective agreement.
- Complaint under the Canadian Human Rights Act
- Labour Code, part II, Violence Prevention in the Workplace.

The Cost of Harassment & Bullying

Workplace harassment (and bullying) have a high cost including:

- Wasted time
- Negative impact on workers' (target and others) health
- Absenteeism
- Reduced decision quality
- Turnover
- Artificial job redesign/re-assignment – to work around the conflict
- Sabotage/damage
- Delays
- Pressures on health care system
- Loss of productivity/output

The Effects

On the individual

- health issues
- family issues
- low morale and productivity
- panic / anxiety about going to work

On the organization

- increased absenteeism
- increased turnover
- decreased productivity, motivation and morale
- increased risk for accidents / Incidents
- increased costs: productivity and EAP
- direct impact on workplace wellness and group dynamics



Supporting Members The Steward's Role



Supporting a Member Experiencing Harassment or Bullying

- Offer the member your support and encourage him/her to take action. Share resources (articles, materials from this course, pocket guide on bullying and harassment).
- If they are resistant or fearful, encourage them to voice their concerns, this might be the only way they will take action. It is important to consider that taking action might be easier for some people and very intimidating for others.
- Encourage the member to document the situation and have hard copies of any documentation that might help them down the road. Copies should be kept off-site.

Supporting a Member Experiencing Harassment or Bullying

- Help the member prepare to meet with or write to the bully.
- Consult your ERO/LRO and explore with him/her possible recourse such as complaints and or grievances.
- Generate options with the member. It will be valuable to what possibilities might exist for “disrupting” the pattern of bullying and harassment. As well it can provide hope for the member that there is a way out of it.
- Accompany the member if they decide to meet with a supervisor or speak with the bully about the behaviour. If the supervisor is the bully, offer to attend a meeting with their boss’ supervisor to discuss the issue.

Maintaining a Safe Workplace

- Treat co-workers and other stewards with respect and dignity - each person has a responsibility for a safe workplace.
- Be aware of and notice what is happening around you – if you become aware of someone who is a target of bullying and/or harassment offer your assistance.
- Familiarize yourself with the policies and procedures on workplace violence, harassment and bullying.
- If applicable, report any safety concerns or issues to management and/or to PIPSC.
- Know what to do in the event of workplace violence or workplace harassment.
- Address workplace issues with co-workers directly, this will strengthen both lines of communication and your relationships with co-workers

Closing Considerations

Liability & Responsibility

Employer liability applies to all employment relations. It includes harassment by:

- Supervisors/managers
 - Co-workers
 - Employees, customers or clients
 - Everyone is responsible for their own actions.
-
- It is the employer's responsibility to provide a harassment-free workplace to all employees.
 - It is the union's responsibility to uphold the terms of the collective agreement, to comply with the law (including the human rights legislation), and to represent all of its members fairly.

Fair Treatment

Keep in mind that all employees have the right to:

- make complaints
- be informed of complaints made against them
- be informed of each specific allegation
- an impartial and full investigation
- an opportunity to fully respond to the complaint
- to be represented during the investigation and mediation
- be informed of the remedial action taken
- confidentiality

Something to Consider....

“Washing one's hands of the conflict between the powerful and the powerless means to side with the powerful, not to be neutral.”

Paulo Freire

“Violence in the workplace begins long before lethal weapons extinguish lives...where resentment and aggression routinely displace cooperation and communication, violence has occurred.”

Bernice Fields, Arbitrator