



Corporation of the Village of McBride

Workplace Bullying and Harassment
OHS-01

POLICY STATEMENT

Workplace conduct

Bullying and harassment is not acceptable or tolerated in this workplace. All workers will be treated in a fair and respectful manner.

Application

This policy statement applies to all Council members, members of the public interacting with Village staff, workers, including permanent, temporary, casual, contract, and student workers. It applies to interpersonal and electronic communications, such as email.

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 that 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.

3. The Act

Section 115(1)(a) & Section 115(2)(e):

(1) Every employer must

(a) ensure the health and safety of

- all workers working for that employer, and
- 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

(a) 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; 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;
- (b) developing and implementing procedures for how the employer will deal with incidents or complaints of workplace bullying and harassment including:
- (c) taking steps to prevent where possible, or otherwise minimize, workplace bullying and harassment;
developing and implementing procedures for workers to report incidents or complaints of workplace bullying and
 - 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;
- (d) informing workers of the policy statement in (a) and the steps taken in (b);
- (e) 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 I and (d) respectively;
- (f) annually reviewing (a), (b), (c), and (d);
- (g) not engaging in bullying and harassment of workers and supervisors; and
- (h) applying and complying with the employer’s policies and procedures on bullying and harassment.

Workplace Bullying and Harassment HR-05.1(i) Supervisor Duties

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 the Village of McBride, stakeholders, Worksafe BC Officers and decision-makers identifying what the Village of McBride 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 which flows from the above section in the *Act*, discusses supervisor duties regarding bullying and harassment.

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 Village of McBride 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.

Workplace Bullying and Harassment OHS-01(ii)

Workers Duties

BACKGROUND

1. Preamble

A worker has a duty to take all 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 the Village of McBride, stakeholders, WorkSafeBC Officers and decision-makers identifying what the Village of McBride 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 all 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 which flows from the above section in the *Act*, discusses worker duties regarding bullying and harassment.

3. The Act

Section 116

(1) Every worker must

- (a) take reasonable care to protect the workers' health and safety and the health and safety of other persons who may be affected by the worker's acts or omissions at 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.

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 Village of McBride 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.

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

Approved through Council Resolution RES:#18215 this 25th day of August, 2015.

CAO Signature