

The New Bullying and Harassment Rules from WCB Questions and Answers for You and your Members

The Workers' Compensation Board unveiled a new set of policies regarding workplace bullying and harassment. The new policies were unveiled in October and become effective November 1, 2013. The new policies define what is bullying and harassment, and set out the responsibilities that employers must adhere to in order to be in compliance.

Some key questions that have come up so far have included:

What is the definition of bullying and harassment according to WCB?

According to WCB, 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 the worker to be humiliated or intimidated but **excludes** any reasonable action taken by an employer or supervisor relating to management and direction of workers or the place of employment.

Please note this definition covers bullying and harassment including supervisor to employee, employee to employee, and outside people to employee (i.e. parents, general public). Reasonable actions relating to management have not been defined; this will likely have to be worked out in a policy. For example, at what point does evaluation switch from management to harassment?

What training does management have to provide?

Management has to provide training to both supervisors and workers on recognizing the potential for bullying and harassment; responding to bullying and harassment; and procedures for reporting, and how the employer will deal with incidents or complaints of bullying and harassment. The guideline does not state how the training is to take place, where or when.

Please note: The actual procedures of training should be part of the employer's bullying and harassment policy.

What should be included in the employer's policy?

Management has to implement the following:

1. policy statement on bullying and harassment
2. steps to minimize workplace bullying and harassment
3. a complaints procedure, along with a reporting procedure
4. investigation procedure
5. record-keeping
6. training procedures.

Can WCB fine the school board over bullying and harassment claims?

WCB will be enforcing policy and procedures, and ensuring procedures are in place. They will not be responding to every incident, claim or complaint. If employers are in violation of requirements set up in policy, they will issue orders; if employers do not address the orders they can be fined for violating orders.

Please note: A bullying and harassment policy is required by the WCB. Current bullying and harassment policies may be modified to fulfill the requirements. The WCB inspector can ask for the employer's policy while inspecting, and if the policy is not produced, they may write an order.

Where can I get more information?

The WCB bullying and harassment toolkit is available at:

www2.worksafebc.com/Topics/BullyingAndHarassment/Resources.asp?reportID=37260

How can I stay informed?

Feel free to contact Mike Wisla, BCTF Health and Safety Officer at mwisla@bctf.ca and ask to be added to the occupational health and safety listserv to keep up with the latest developments on this new WCB initiative.