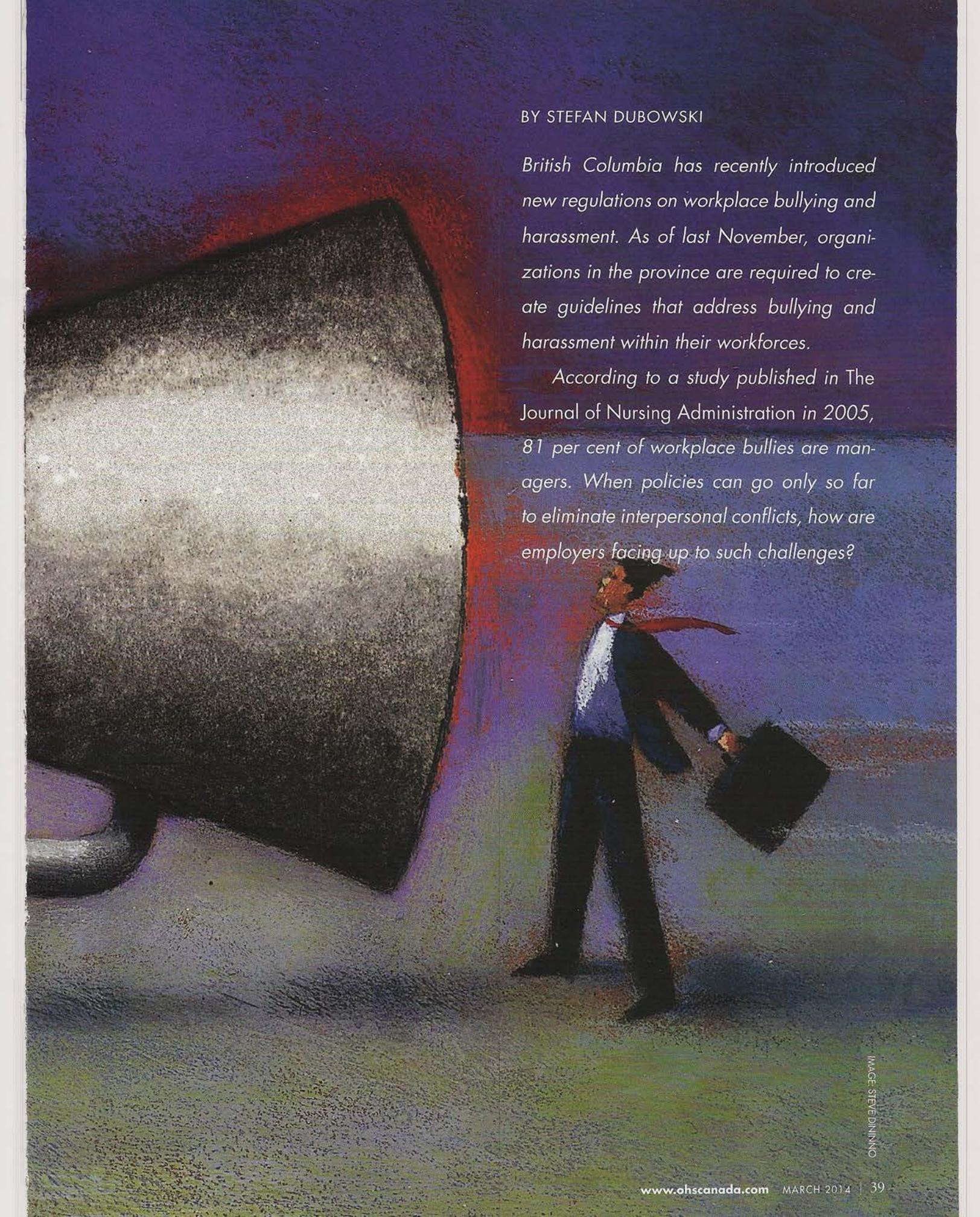


WHEN THE
BOSS

IS THE
Bully





BY STEFAN DUBOWSKI

British Columbia has recently introduced new regulations on workplace bullying and harassment. As of last November, organizations in the province are required to create guidelines that address bullying and harassment within their workforces.

According to a study published in The Journal of Nursing Administration in 2005, 81 per cent of workplace bullies are managers. When policies can go only so far to eliminate interpersonal conflicts, how are employers facing up to such challenges?

IMAGE: STEVE DINUNNO

Michelle Bell is no pushover. As a former youth and family substance abuse counsellor with the Vancouver Island Health Authority (VIHA) — now known as Island Health — she has had lots of experience handling difficult people. And as a current city councillor in Duncan, British Columbia, she would not shy away from tough negotiations. Bell is certainly not the type one would expect to be a victim of workplace bullying or harassment.

Yet from 2007 to 2009, Bell says she faced persistent aggressive and threatening behaviour from her manager at the VIHA. Her manager yelled at her during meetings and, when he was upset with her, demanded that she do menial tasks outside her job description, such as filing and cleaning the office, according to Bell.

“When you’re in this field, you think you can deal with conflict really well or communicate. So I kept trying to manage his behaviour myself,” she says.

She would try to placate the manager, aiming to smooth things over. “I would bring his favourite treats into staff meetings, I would make coffee, I would try and use humour to lighten his moods,” she recounts. After putting up with the situation for two years without improvement, Bell says she went to management for help and participated in mediation. During the mediation process, however, Bell says she was accused of making the situation out to be worse than it was. She got the sense that upper management thought that she — not her manager — was the problem.

Bell filed a grievance through the union without any resolution and in 2011, she resigned as she felt pushed out by a toxic environment and management that seemed to favour the manager. Now employed as a project coordinator focused on life skills for employment at Community Options Society, a family counselling service in Duncan, Bell is nonplussed about her experience at the VIHA. “I’m a healthy individual. I’m not running around causing problems. I don’t have a lot of drama. I don’t fight with my neighbours, so this was like *The Twilight Zone*.”

ONE STEP FORWARD

A recent development in British Columbia seeks to prevent other workers from going through the same ordeal as Bell.

As of November 1, 2013, all organizations in the province — except those that are federally regulated — are required to develop their own standards regarding bullying and harassment, create procedures to investigate incidents and train staff members on these standards and procedures.

The changes were set in motion last March, when WorkSafeBC’s board of directors approved three occupational health and safety policies under sections 115, 116 and 117 of the *Workers’ Compensation Act* dealing with workplace bullying and harassment. The policies — one for employers, one for supervisors and one for workers — were developed to clarify the obligations of these parties in preventing bullying and harassment in an occupational setting.

Employers, consultants and health and safety experts are reading closely to understand what these changes mean for workplaces and what employers are required to do to prevent bullying and harassment. Roberta Ellis, WorkSafeBC’s senior vice-president of corporate services and human resources, stresses the importance of understanding what constitutes bullying and harassing behaviour. “Not every difficult, challenging or unpleasant conversation or set of circumstances that you deal with in your working life is bullying,” she says. “We’re talking about the kind of conduct where the intent is to humiliate the person.”

WorkSafeBC defines workplace 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.” Behaviour that constitutes bullying includes verbal aggression, vandalism and hazing practices.

A resources page on WorkSafeBC’s website, which includes definitions, scenarios and sample policies and procedures, offers guidance to organizations for compliance with the new policies. The samples are particularly useful for small businesses, which may not have dedicated human resources personnel or health and safety experts to draft policies and procedures from scratch. “We wanted to make it as easy as possible for our workplace stakeholders to do this,” Ellis says.

If an inspector finds that an organization has not complied with WorkSafeBC’s bullying and harassment policies, the inspector may issue an order directing the organization to com-

Know Your Role

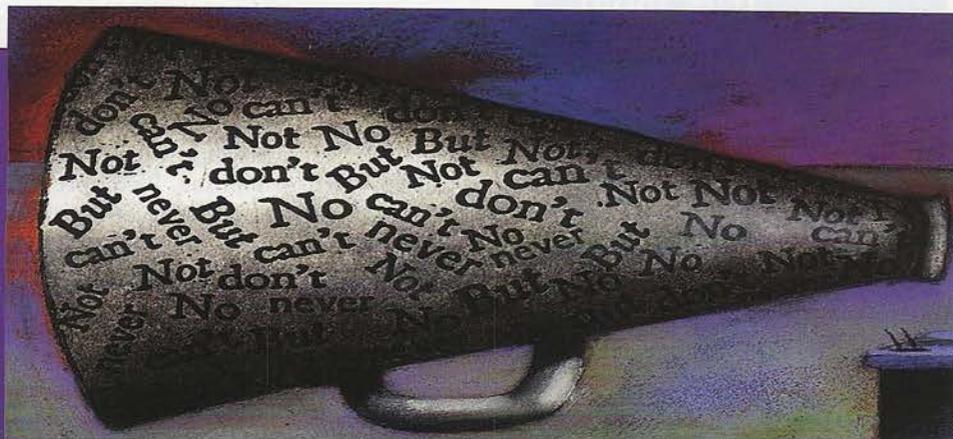
New policies to address workplace bullying and harassment under British Columbia’s *Workers Compensation Act* came into effect on November 1, 2013. The policies, which apply to approximately 215,000 employers and 2.2 million workers regulated by WorkSafeBC, set out the general duties of employers as follows:

- Do not engage in bullying or harassment;
- Develop a policy statement;
- Take steps to prevent bullying and harassment;

- Develop and implement procedures for dealing with incidents and complaints;
- Inform and train workers; and
- Review the policy statement and procedures annually.

Provisions against bullying and harassment also apply to supervisors and workers, who must not bully or harass workers, colleagues or employers. They are also required to report incidents of bullying and harassment and comply with policies and procedures.

“We’re talking about the kind of conduct where the intent is to humiliate the person.”



ply. If an employer still fails to comply or is repeatedly found to be non-compliant, WorkSafeBC may issue a fine of up to \$500,000 for the first offence and up to \$1 million for subsequent offences. Ellis says penalties will be the last resort.

KEEPING IN LINE

The new policies are the latest development in British Columbia's efforts to address workplace bullying and harassment. The first step came about last summer, when the government amended the *Workers' Compensation Act* to expand the scope of mental disorder claims to include those related to bullying and harassment. As a mental injury can also arise from bullying and harassment, Ellis says WorkSafeBC was tasked with developing policies to prevent such behaviour in the workplace.

Now that the policies are in effect, many organizations in the province are signing up for seminars and training sessions conducted by lawyers and consultants to better understand the policies and employers' obligations. Andrew Wood, partner at Vancouver law firm Harris & Company LLP, says his team has seen much interest in the webinars and seminars organized by the firm. "In the month of October, I probably spent 80 per cent of my time at least dealing with bullying and harassment issues — drafting policies, helping employers review their policies, assisting employers to develop their own training programs," he says.

WorkSafeBC has indicated that there is no planned inspection blitz after the policy takes effect, but it will be responding to enquiries and concerns about workplace bullying and harassment through existing inspection practices. Nonetheless, Wood says employers should start developing policies and procedures or amend existing documentation if they already have such policies in place. "Whatever you're doing, don't be doing nothing," Wood advises.

For many organizations, when it comes to bullying, the pocketbook takes the hit. Bullying results in high staff turnover, which increases employer costs, according to Ontario's Public Health and Safety Association. Bullying also decreases morale, harms productivity and causes worker burnout, which in turn contributes to higher costs, says the College of Registered Nurses of Nova Scotia.

Erica Pinsky operates a respectful-workplace consulting firm in Vancouver. Pinsky says financial losses stemming

from workplace bullying and harassment put to rest arguments made by some businesses that bad behaviour motivates workers. "There are all sorts of messages telling us that bullying is actually helpful to increase productivity, to get people to work harder," Pinsky says. "And in the short term, maybe it is. If you look in financial services for example, it's all about how much money you bring in and less about how you're bringing it in. If you have to step on somebody else to succeed, who cares?"

Pinsky cautions that employers should not be fooled into thinking the short-term gains that bullying and harassment may appear to afford are worthwhile in the long run. Rather, organizations have a compelling reason to prevent bullying and harassment in the workplace: the costs far outweigh the benefits. She points out that bullying leads to health problems, absenteeism and distractions among the workforce. "You're paying someone 100 per cent to do a job 100 per cent of the time. If for 50 per cent of that time they're distracted, right away there's an economic argument," she notes.

Pinsky advises employers to assess how workers manifest their power, the manner in which they interact with one another and how they deal with conflict. Organizations should evaluate new workers on behaviour as well as skill. "It is not about adopting a policy or providing training. It is about having the same rigorous approach to psychological safety as an employer does to traditional safety."

A TOUCHY AFFAIR

That said, businesses need to be careful about how they manage incidents of bullying and harassment among employees. Marli Rusen, owner of consulting firm MR Resolutions in Victoria, British Columbia, recalls investigating a case at a company where employees had documented numerous incidents over two years in which a manager had harassed staff.

In her investigation, Rusen confronted the manager with the employees' documentation. The manager felt blindsided and humiliated. "He was in tears," she says. "He didn't deny it... But he wondered, why didn't someone tell me sooner?" If the employees had known better, they probably would have brought the matter to the employer's attention earlier, she notes. "Documenting it for two years meant they lived with it for two years."

Rusen's practice is to empower employees to prevent bul-

“It is about having the same rigorous approach to psychological safety as an employer does to traditional safety.”



lying and harassment. She says it is important for workers to “distract and disrupt” interactions that could be considered bullying or harassment. For example, if a worker sees a colleague belittling someone, the worker could inter-

vene and ask the colleague for help on a task elsewhere to interrupt the interaction. “My bottom line for bystanders is if you are not doing anything when you see dysfunction in the workplace, you are actually contributing to the dysfunction,” Rusen says.

However, she cautions co-workers not to assume anything, as what appears to be bullying might be a “negotiated relationship” — meaning that is just the way they interact. “Feel free to ask the apparent victim if anything is wrong, but don’t assume the person needs help,” Rusen advises.

Pinsky says these problems take place across sectors. “I’ve seen it in the resources industry. I’ve seen it at municipalities. I’ve seen it in a small doctor’s office with five employees.”

Vigilance is key to preventing workplace bullying and harassment; so is nipping the problem in the bud to prevent things from progressing to a point where formal complaints are lodged and investigations are conducted. “This process is so destructive to their personal and professional lives,” Rusen says, noting that word spreads over time and people begin taking sides, which can lead to more incidents. “Things build and fester,” she says. “It becomes a team dysfunction. It eats away at the morale and integrity of the entire department.”

PAVING THE WAY

Many businesses already comply with WorkSafeBC’s policies. For instance, six years ago, credit union BlueShore Financial drafted a comprehensive policy regarding workplace culture that includes bullying and harassment. Today, that policy informs many aspects of the company’s business, such as hiring,

“We spend a lot of time in the interview on the person’s management and coaching style,” says Vancouver-based Marni Johnson, BlueShore Financial’s vice-president of human resources and communications. “And we check references really carefully in that regard too, just to make sure we are hiring somebody who is going to work in a style that fits with our culture.”

In particular, the company is looking for candidates who deal with conflict in a constructive way, resolve differences fairly and respect alternative points of view. This pre-emptive approach helps to weed out candidates who have an abrasive disposition. Johnson is optimistic that the new policies will help businesses curtail bullying and harassment.

Robyn Durling, spokesperson for the BullyFreeBC Society in Vancouver, thinks that WorkSafeBC’s latest move signals a wave of change. “We are going to have, potentially, a change in culture — the same way we did with sexual harassment over the last 20 years, where people know it’s not acceptable.”

Marino Sveinson, lawyer at Bull Housser & Tupper LLP in Vancouver, anticipates a rise in legal proceedings relating to workplace bullying and harassment now that WorkSafeBC policies require employees to report incidents.

NOT ENOUGH

Bell says the WorkSafeBC policies are certainly a step in the right direction, but she believes they do not go far enough. She would like to see provincial legislation passed, like Bill M203 proposed by the British Columbia NDP, which allows incidents of workplace harassment to be investigated, compensated and dealt with in the same manner as workplace accidents.

Bell believes that WorkSafeBC policies would not have helped her had they been in place when she was dealing with issues at her former workplace, since the VIHA had good workplace bullying and harassment policies. “The thing is, they don’t follow them,” Bell charges. “There’s no accountability. There was no one I could go to and say, ‘My employer is not following these policies.’ If they had followed them, this would have been resolved in the first stage.”

For its part, the British Columbia Government and Service Employees’ Union, of which Bell was a member at the VIHA, responds that it does not comment on the circumstances surrounding specific member grievances, when asked about Bell’s grievance.

Sarah Plank, spokeswoman for Island Health, says the organization seriously considers allegations of harassment and bullying and takes actions, including investigation, coaching and mediation, “until a matter reaches resolution.” She adds that the organization updated its respectful-workplace policy in 2010 and hired a respectful-workplace specialist to oversee investigations into bullying and harassment incidents.

Bell hopes that other workers across British Columbia do not have to experience what she did. “I just don’t want to be yelled at in my job and I don’t want to be fearful to come to work,” she says. **OHS**

Follow us on Twitter @OHSCanada 

Stefan Dubowski is a writer in Ottawa.