

RESPECT IN THE WORKPLACE: A MODEL FOR MITIGATING THE HAZARDS OF WORKPLACE BULLYING AND HARASSMENT

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Pat Ferris, Ph.D.

OBJECTIVES

- ▶ Review the history of psychological safety in the workplace
- ▶ Define workplace bullying and harassment
 - ▶ What it is and is not
- ▶ Review the hazard of bullying and harassment
 - ▶ Understand the injury
 - ▶ Identify the behaviors and risks
- ▶ Review the Process Model of Managing Bullying and Harassment
 - ▶ Preventing strategies
 - ▶ Monitoring strategies
 - ▶ Intervening/Investigating strategies
 - ▶ Repair strategies
- ▶ Create a psychologically safe work climate

HISTORY OF HUMAN RIGHTS

- ▶ 1689, English Bill of Rights affirmed free elections, freedom of speech and freedom from “cruel and unusual punishment”
- ▶ The belief that all human beings possess rights and freedoms, simply because they are human, resulted in the “Universal Declaration of Human Rights in 1948
- ▶ Saskatchewan was the first province to pass a Bill of Rights in 1946 followed by Ontario (1962), Nova Scotia (1963), Alberta (1966), New Brunswick (1967), Prince Edward Island (1968), Newfoundland (1969), British Columbia (1969), Manitoba (1970) and Quebec (1975)
- ▶ The federal government enacted the Canadian Charter of Rights and Freedoms as part of the Constitution Act of 1982.
- ▶ Embedded rights to be free of discrimination based on ‘protected grounds’
 - ▶ Harassment is a form of discrimination
 - ▶ Harassment not based on a protected ground is not covered

EXPANDING TO THE CONCEPT OF HARASSMENT TO PSYCHOLOGICAL INJURY

- ▶ ***Berg v. Cowie (1918)***, a decision of the Saskatchewan court. Mr. Berg was called a "cur" and a "bastard" several times and subsequently quit his job. The court ruled that ... "entitled to decent treatment at the hands of his master...and a master has no right to make the conditions of living, on the part of his servants, intolerable to a man of decent feeling."
- ▶ Prior to OHS legislation, cases of psychological harassment and injury in Canada have been dealt with through Arbitration, Civil and Criminal Courts
- ▶ Voluntary national standard "Psychological Health and Safety in the Workplace" was introduced in 2013
- ▶ Provinces begin revising Occupational Health and Safety legislation to include harassment and bullying e.g., Manitoba (2007), B.C. (2012), Saskatchewan (2007), and most recently Alberta (2018)

TYPICAL LEGAL RESPONSIBILITIES OF EMPLOYERS REGARDING HARASSMENT

- ▶ Protect workers
- ▶ Hazard Assessment
- ▶ Policy
- ▶ Procedures
- ▶ Training
- ▶ Incident Reporting
- ▶ Incident Investigation
- ▶ Worker Support
- ▶ Due Diligence

Harassment and Bully Defined

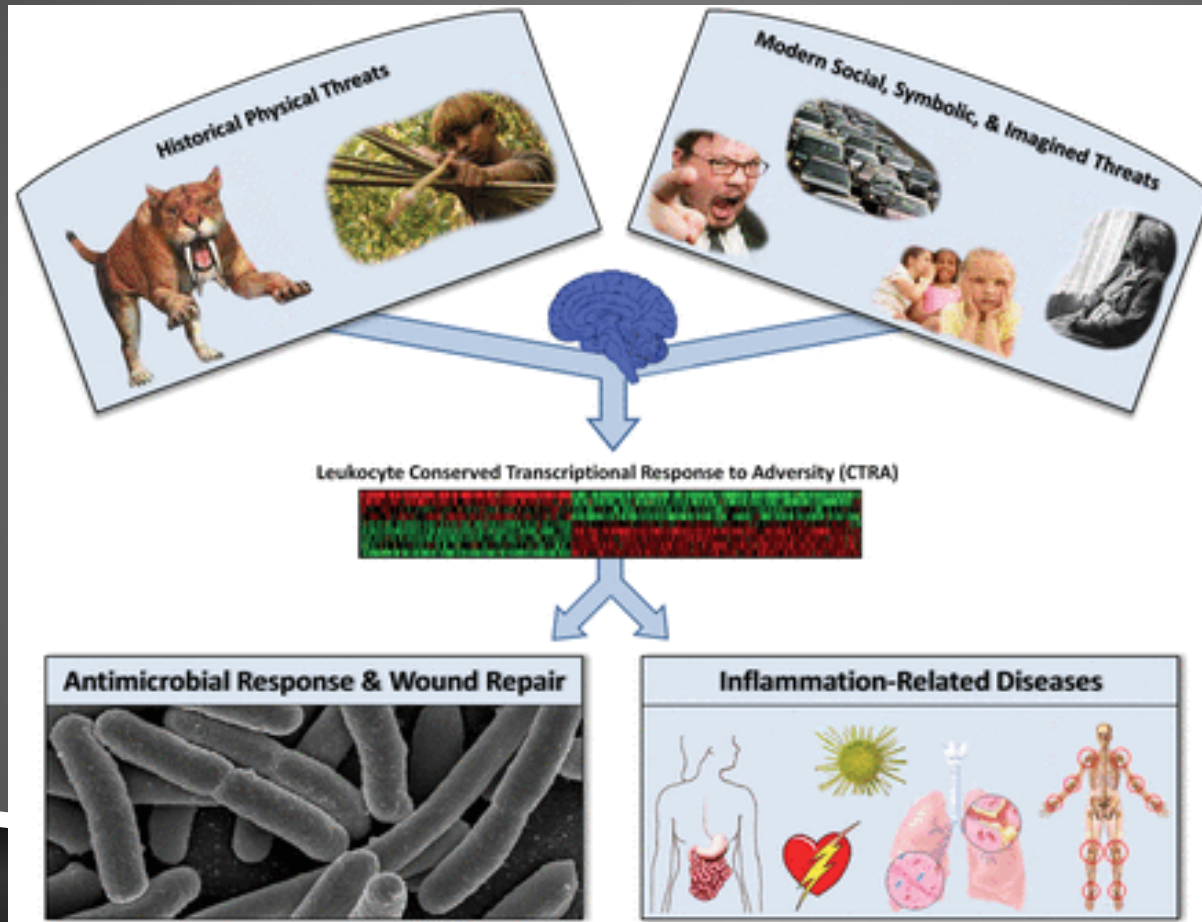
Harassment

- ▶ Harassment is considered a form of discrimination
- ▶ Harassment is a pattern of offensive behavior, directed from one person against another person or a group targeted at prohibited grounds issues such as gender, race or religious beliefs, sexual orientation, age, disability
- ▶ The behaviors can be words or actions and are generally known by the actor to be unwelcome, or should be known to be offensive
- ▶ Protected grounds defined by each province

Bullying

- ▶ Bullying is repeated hostile and deliberate behavior from one person/s to another with the intent to harm or threaten harm to the target
- ▶ Bullying is marked by an imbalance of power where the target feels incapable of withdrawing or addressing the perpetrators
- ▶ Bullying is typified by exclusion, ostracism, verbal abuse, and rejection by a person or persons toward another person or persons

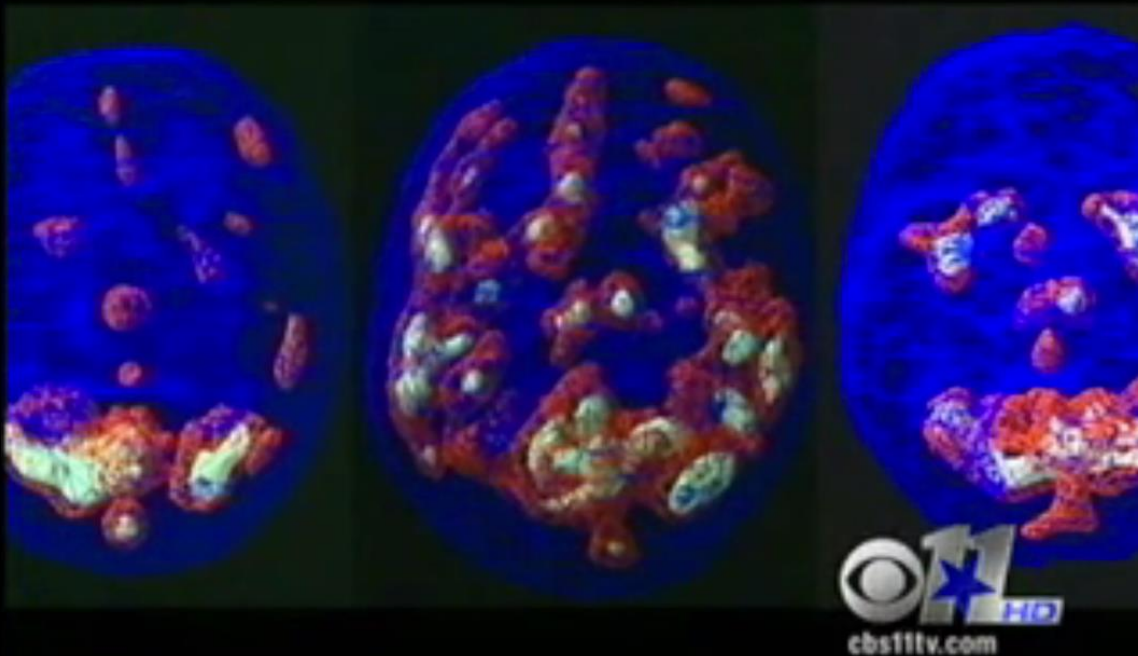
UNDERSTAND THE INJURY



THE HEALTH AND SAFETY RISK

Normal brain Bullied brain PTSD brain

CBS 11 - Todd Clements - Clements Clinic - PTSD and Bullying



- Inability to focus
- Inability to concentrate
- Inability to think
- Increased emotions
- Difficulty interacting
- Avoidance
- Anxious
- Depressed
- Inability to learn
- Irritable

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A SAFETY HAZARD MODEL OF HARASSMENT

Identify
Hazards

Evaluate Who
Is Being
Harmed

Evaluate Risks

Introduce
Controls

“hazard” means a situation, condition or thing that may be dangerous to the safety or health of workers

Risk Assessment
Field Observations

Ask how workers
experience
psychological safety

Who goes off for
mental health reasons
What do you observe
about impact of
exposure

Detect and correct
Support
Coach
Report

Hazard Priority Setting: Bullying

	Very Likely – could happen at any time 1	Likely- could happen sometime 2	Unlikely-could happen but very rarely 3	Very unlikely- could happen but probably never will 4
Kill or Cause permanent disability or ill health 1	Yes	Yes		
Long term illness or serious injury 2	Yes	Yes		
Medical attention and several days off work 3	Yes	Yes		
First aid needed 4	Yes	Yes		

SAFETY PERSONNEL RISK ASSESSMENT

- ▶ Who is at risk for harassment/violence
 - ▶ Women, minorities, race, gender identity and expression, new workers?
- ▶ What has been the nature of previous incidents
 - ▶ Verbal aggression, physical assault, sexual harassment/aggression, exclusion?
- ▶ What has been the severity of the incidents
 - ▶ Have people been hurt and off work
 - ▶ What type of treatment was needed
 - ▶ Did they return to work
- ▶ How often, how many reported incidents in a year
- ▶ What are the factors that may have contributed to the incidents
 - ▶ Workplace change, work pace and overload
 - ▶ Poor supervision, specific units
 - ▶ Trend around time or production, time of year
 - ▶ Security of the environment
- ▶ Do supervisors/foremen etc. know how to identify a worker who has potential to harass or be violent

HARASSMENT HAZARD IDENTIFICATION

- ▶ Serious or repeated rude, degrading, offensive remarks, insults or put-downs
- ▶ Repeatedly singling out a worker or giving them demeaning or belittling jobs
- ▶ Threats, intimidation or retaliation against a worker
- ▶ Unwelcome social or sexual invitations/advances-implicit or explicit
- ▶ Intimidation, threats, blackmail, yelling or shouting
- ▶ Attempts to isolate or exclude a person
- ▶ Invasion of personal space
- ▶ Criticism of work without providing methods of correction
- ▶ Overloading one person
- ▶ Making performance feedback personally insulting

WHAT IS NOT HARASSMENT/BULLYING

- ▶ Carrying out managerial duties in a respectful and professional manner
- ▶ Allocating work
- ▶ Following-up on work absences
- ▶ Requiring performance to job standards and making constructive criticism
- ▶ Taking corrective or disciplinary measures when justified
- ▶ Exclusion of individuals for a particular job based on specific occupational requirements
- ▶ A social relationship welcomed by both individuals or friendly gestures among workers
- ▶ Supervisory mistakes
- ▶ Work-related stress and conflicts
- ▶ Conditions or constraints of work or study

<https://www.canada.ca/en/treasury-board-secretariat/services/healthy-workplace/prevention-resolution-harassment/harassment-tool-employees.html>

SEXUAL HARASSMENT HAZARD IDENTIFICATION

- ▶ Displays of sexist, racist, or other offensive pictures, materials, posters
- ▶ Unwelcome social or sexual invitation or advances whether implicit or explicit
- ▶ Touching, groping grabbing
- ▶ Flirting even if both parties agree
- ▶ Disrespecting gender identity and expression
 - ▶ Change rooms and washrooms
 - ▶ Verbal put downs
 - ▶ Not referring to the identity a person identifies with

VIOLENCE HAZARD IDENTIFICATION

- ▶ Working alone, working after hours
- ▶ Access to facility – can dangerous people get in, catching a thief
- ▶ Interactions with landowners
- ▶ Attendance at parties and after hours events with alcohol
- ▶ Rough housing, hazing rituals, fighting on or off site
- ▶ Verbal rages, severe irritability

VIOLENCE HAZARD IDENTIFICATION CONTINUED

- ▶ Angry former worker
- ▶ Threats: email, verbal, cyber
- ▶ Intimidation
- ▶ Physical aggression/assault e.g. pushing and shoving
- ▶ Sexual assault

WHEN TO CALL THE POLICE

- ▶ When violence is in progress e.g., throwing things, hitting someone, appearing with a weapon
- ▶ When someone has made a serious threat
- ▶ When someone won't leave the premises when asked
- ▶ When someone is emotionally out of control

Process Model Managing Bullying and Harassment



SAFETY PERSONNEL PREVENTION STRATEGIES

- ▶ Observe and share observations Joint Occupational Health and Safety Committees, make suggestions
 - ▶ The work climate seems to be rude and incivil – I see the following behaviors ...
 - ▶ I recommend conflict resolution/respect training
 - ▶ I recommend psychological safety coaching for Foremen and Super Intendents
- ▶ Have a ‘Psychological Safety’ moment at meetings
 - ▶ “Can anyone share a time when they felt insulted or bullied and what you did that resolved the problem
 - ▶ Remind of the policies and reporting options
- ▶ Champion training
 - ▶ Respect, conflict resolution, coaching for civility, building culture



Preventing

MONITORING: BEST PRACTICES IN HAZARD ASSESSMENT

- ▶ What do you see and hear
- ▶ Create a 'Psychological Safety JHA'
 - ▶ Are workers violent: yelling, screaming, making threats
 - ▶ Is someone showing irritability, aggression, incivility and rudeness
 - ▶ Do people insult, put down, exclude, make fun of others in general or on prohibited grounds (e.g., race, religion, gender)
 - ▶ Do people work alone
 - ▶ Do people feel safe
- ▶ Survey workers annually more formally

Monitoring

INTERVENING

- ▶ Do not touch a person who is angry or aggressive
 - ▶ Ask to take a moment to get centered
- ▶ Provide feedback where behavior is questionable or harmful
 - ▶ “I noticed you said, did, acted ...
- ▶ Step in when you observe harmful interactions
 - ▶ “Please stop that behavior now, it is unacceptable
- ▶ Step in after an observations
 - ▶ “Your behavior with Made me feel uncomfortable, please stop
 - ▶ “I witnessed x treat you with disrespect, I would encourage you to ask him/her to stop ... or I will help you approach ... or you can complete a report to me which I will take forward. We will need to let X know of the complaint
- ▶ Provide support to the target
 - ▶ How can I help, I felt uncomfortable too



Intervening

INVESTIGATING

- ▶ Have an abuse reporting form
- ▶ Undertake promptly
- ▶ Maintain confidentiality
- ▶ Interview only those necessary for information and ensure their confidentiality
- ▶ Assess the safety of the complainant
- ▶ Who do I report to in the organization
- ▶ Does a more formal or external investigation need to take place

WHEN TO REPORT

- ▶ Understand your organizational policy and procedure
- ▶ OHS generally believes that all incidents should be reported or acted on within the organization
- ▶ When the behavior is severe and has a strong impact
 - ▶ “This was a serious breach of safety and I need to take this forward.”
- ▶ When a person requests an intervention
- ▶ When an injury has occurred e.g. , depression, PTSD

REPAIRING: PSYCHOLOGICAL FIRST AID

- ▶ Listen, validate, support
- ▶ Debrief workers exposed to harassment/violence
 - ▶ What supports do they need
 - ▶ Ensure support from team and management
 - ▶ Ensure safety – do they need to be off work,?
- ▶ Refer to treatment early
- ▶ Restorative processes for teams
- ▶ Debrief your learning with committees/organization

Repairing

CREATE A PSYCHOLOGICALLY SAFE CULTURE

E: Engage

- ▶ At every level know your people
- ▶ Be present: Attend meetings and gatherings
- ▶ Support initiatives

D: Discuss

- ▶ Tell stories at every meeting that reflect demonstrating respectful behavior

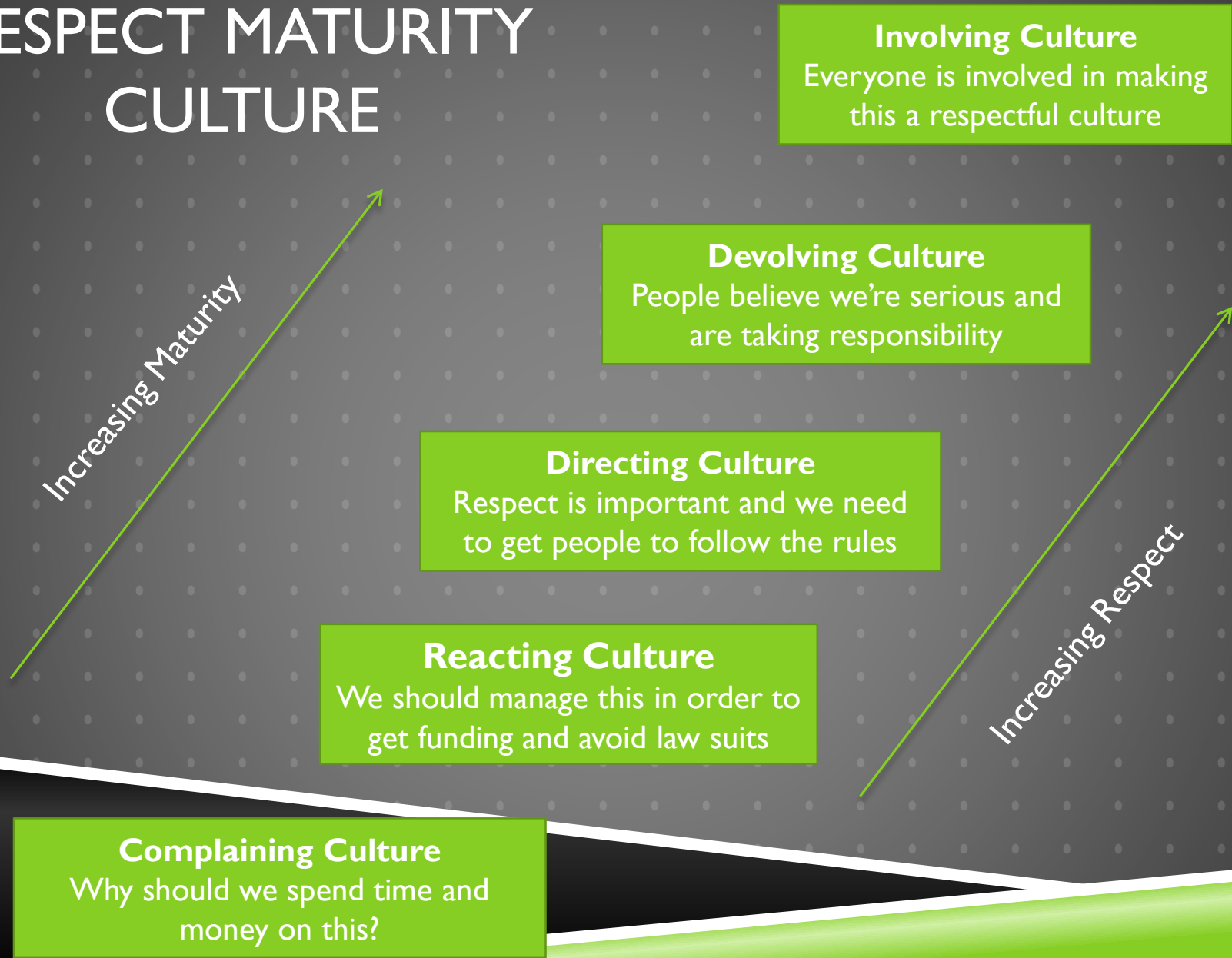
I: Intervene

- ▶ Monitor behavior and intervene early in concerning behavior
- ▶ Reward positive behavior
- ▶ Provide adequate resources

T: Train

- ▶ Train everyone on respectful behavior and how to build respectful culture

RESPECT MATURITY CULTURE



MANAGE YOURSELF

“Lt. Gen. David Morrison (Australian Navy)

<http://www.npr.org/blogs/thetwo-way/2013/06/14/191684468/australian-generals-frank-talk-on-sexual-abuse-wins-fans>

“The standard you walk past is the standard you accept.”

ADDITIONAL RESOURCES

▶ Risk assessment

- ▶ Government of Canada. (2015). *Is it harassment. A tool guide for employees*. Available from <https://www.canada.ca/en/treasury-board-secretariat/services/healthy-workplace/prevention-resolution-harassment/harassment-tool-employees.html>
- ▶ <https://www.guardingmindsatwork.ca/resources>

▶ Sample reporting forms

- ▶ https://www.shrm.org/resourcesandtools/tools-and-samples/hr-forms/pages/lcms_019885.aspx
- ▶ https://www.exec.gov.nl.ca/exec/hrs/working_with_us/Harassment%20Complaint%20Form%20-%20Static.pdf
- ▶ <https://www.coaa.ab.ca/COAA-Library/WFD-WRS-RPT-01-2011-v1%20Workplace%20Respect.pdf>

▶ Violence management information

- ▶ <https://www.alberta.ca/workplace-harassment-violence.aspx>

▶ Harassment and bullying resources

- ▶ <https://www.albertahumanrights.ab.ca/Pages/default.aspx>
- ▶ CPHR Albert (2019). How to conduct an investigation on workplace harassment. Available from <http://www.cphrab.ca/how-conduct-investigation-workplace-harassment>
- ▶ Alberta Bullying Research, Resources and Recovery Centre: www.arbc.ca

Watch For Energy Safety Canada's
Guideline Document and
Upcoming Courses On Managing
Workplace Bullying and Harassment
<http://www.energysafetycanada.com/>





Questions?



Pat Ferris, Ph.D.

403-269-9600

pferris@janusassociates.ca

Thank You

Additional Q&A Responses | Pat Ferris

- **If someone reports but requests it not be communicated to their supervisor or manager, what should we do? Are we responsible to act on it against the wish of the victim?**

I called OHS on this and they advised me that the Safety person should advise the person of the company's reporting system. The OHS Advisor I spoke with emphasized training of the employees and knowledge of the policy as well as understanding that employees are obliged to cooperate with the company.

My personal opinion is that if a hazard exists it must be identified and ameliorated. In my presentation I spoke about detect and correct so if the behavior has caused injury perhaps the Safety person could observe and coach or observe and report as a witness. I do believe there may be times that *ethically* a Safety Advisor must report e.g., if injury has occurred or the reported behavior is severe and puts the company at risk e.g., serious sexual harassment. This is where the importance of company policy comes into play. Most company policies will state that it is the obligation of the employee to report incidents of harassment and bullying and this then allows you to report.

My suggestion is that the Safety Representative or Committee should discuss this situation with the company e.g., Human Resources, Senior Management or as a Committee and develop policy statements around this situation that protect and direct Safety Advisors in this situation.

- **As there is going to be some...Is there any data on number of false claims for harassment/bullying?**

I am not aware of this however I would encourage the keeping of records and outcomes at the company level within the Safety Committee processes. I imagine that for cases that provincial OHS deals with, case outcome would be tracked.

It is difficult to estimate the number of false claims of bullying and harassment. These issues are for the most part dealt within organizations and not reported to the Alberta Human Rights Commission or OHS. With the OHS legislation, it will still be difficult to estimate as most cases will be dealt within organization. I would encourage Occupational Health and Safety Committees to keep such statistics. You will need to distinguish between cases that are "Unsupported" or "Unsubstantiated" and "Unfounded." Claims made maliciously with the intent to harm someone else are difficult to prove and I am not aware of statistics in Alberta around this.

- **What tools are available to separate the bully that works the system by being a bully through repeatedly filing grievances against coworkers for minor or expected discussions in business?**

The primary tools are training employees in what constitutes workplace harassment, Safety discussions, and policy statements about false or malicious complaints. Developing a culture of respect is the best approach. Another tool is the investigative process which would determine the merit of each report. There is a tool available online that can be used to determine whether experiences constitute harassment. It can be found at <https://www.canada.ca/en/treasury-board-secretariat/services/healthy-workplace/prevention-resolution-harassment/harassment-tool->

[employees.html](#) . This should be provided in training sessions and be easily accessible to employees who should be made aware of the link.

- **Considering most people who are bullied are less popular than the supervisors, when should an outside investigator become involved? Is this mandated in the legislation?**

Not all those who are bullied are bullied by a supervisor or are less popular than the supervisor. Nonetheless, when someone is harassed or bullied by a superior a solid investigation is required. In larger companies the expertise and neutrality of investigators is often available however, in smaller companies, neutrality may not be established and an external investigator will be needed. In general, when the person under investigation is in a position of greater power, e.g., senior management or when many people have become involved or a toxic workplace culture exists, an outside investigator should be considered. The legislation does not require an outside investigator only a properly trained investigator.

- **How does someone identify as a specific gender? Is there an official process?**

Someone identifies as a specific gender by stating what their preference is or dressing and expressing that gender. There does not have to be an official process. For transgender people, to change birth certificate and be officially acknowledged as a different gender, there are medical and legal processes that facilitate this. These vary between provinces.

- **How should health and safety Committees handle medical information when it comes to psychological issues in the workplace?**

Medical information is confidential information that should not be shared widely. Medical information is generally only shared with other medical professionals such as Occupational Health Nurses. Generally, non medical people receive a report that indicates a medical disorder is present and that a person is off work because of this. Accommodation recommended by medical professionals can be shared.

- **If a spouse or child is clearly being bullied, what kind of advice can be given if the HR or company culture is immature?**

If a spouse or child is being bullied at work then the advice is to follow company policy and reporting procedures. Employee Assistance Programs, if these are available are helpful in helping a person manage their emotional responses and to make plans for coping and addressing the problems. Extended benefits usually provide coverage for counselling services and can be helpful. If a company does not have a policy or deal with a complaint properly then accessing the Human Rights Commission or Alberta Occupational Health and Safety for advice can guide people in what steps they may take.

If a child is being bullied at school, then the Principle should be contacted and help requested.

- **Is injury due to bullying acceptable by WCB for claims?**

Yes as long as there is a diagnosed disorder as a result of exposure in the workplace. I have numerous clients at present who have made claims through WCB for psychological injury due to workplace bullying. As long as a psychological injury is present e.g. Post Traumatic Stress Disorder, Major Depression, WCB has taken the cases on for investigation. They do an independent investigation and contact the company which is obliged to cooperate.

- **If an investigation takes place and the company chooses not to act even though the harassment continues, what is the complainants next step?**

A company's policy should state what steps can be taken if the complainant doesn't feel the complaint has been adequately addressed. The general steps would be to work with the company to keep them advised of the situation. If no action is taken, then the complainant could make a report to the Human Rights Commission for Protected Grounds complaints or to Occupational Health and Safety for harassment or bullying.

- **How is it dealt with when a contractor who owns their own small company constantly makes racist comments?**

The owner should be approached and behavior discussed noting the requirements of law. Small companies are required to understand law as are singles contractors. The Prime Contractor usually expects sub contractors to have policies in line with the Prime Contractor's or follow the Prime Contractor's policy. If, after detecting and coaching if the behavior does not improve, I would advise reporting to the Prime Contractor.

- **How should employers handle psychological hazards that are inherent to their job? (i.e. hazards that cannot be removed)**

There should be no job where psychological hazard are inherent to the job, a psychological hazard should always be addressed and mitigated. There are factors inherent in jobs that can be uncomfortable but are not considered harassment or bullying. These include tough management, workplace stress, workplace changes, periods of pressure, difficult conditions of a job such as budget constraints, conflict, and not liking people (as long as they are treated respectfully).

Pat Ferris, MSW, RSW, M.Sc., Ph.D.

Pat may be reached for consultation at 403-815-6624 or ferrispa@telus.net