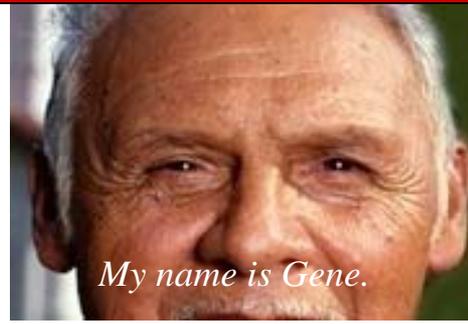


My name is Jin.



My name is Jean.



My name is Gene.



My name is Jeanne.

Do you know me?

Workplace Bullying: Who, What, Why, Where, How & What to Do About It



Presented by:

David Hunt, J.D.
President & CEO
(612) 746-1375

About Us: Critical Measures

- U.S. management consulting and training firm focusing on diversity/inclusion and harassment prevention.
- Two-thirds of our work is in cross-cultural health care.
- Provide organizational assessments and training (classroom-based and e-learning).
- Created first e-learning programs in U.S. on racial and ethnic disparities, the law of language access in healthcare and global medicine.
- Work favorably discussed in: AMA News, Forbes, Health Affairs, Managed Health Care Executive, Minority Nurse, Hispanic Business, American College of Healthcare Executives

Agenda

- What is workplace bullying?
- How extensive is workplace bullying?
- Who are Bullies? Targets?
- What are the effects of workplace bullying? On individuals? On the workforce?
- Is workplace bullying illegal?
- What can be done to stop workplace bullying?
 - What can individuals do?
 - What can employers do?
- Final Thoughts, Questions & Wrap-Up

My Experience With Workplace Bullying – Earl’s Case.



1. Earl was a 42 year-old white man, never married, who worked for a local government agency.
2. Earl was hard of hearing (hearing aids in both ears), and spoke with difficulty. Earl wore glasses & was overweight.
3. Earl worked the night shift in the computer center.
4. Earl claimed that he was physically and verbally abused (bullied) by a night security officer.
5. When complaints about the behaviour brought no relief, Earl quit his job and sought legal help.

YouTube Video Clip.

1. Workplace Bullying, GlobalTV Edmonton

<http://www.youtube.com/watch?v=qmPBPEWnhRE>

What is Workplace Bullying?

What is Workplace Bullying?

1. Workplace bullying is hard to define. Nevertheless:
2. Bullying is usually seen as acts or verbal comments that could 'mentally' hurt or isolate a person in the workplace.
3. Bullying may (or may not) involve negative physical contact.
4. 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.
5. It has also been described as the assertion of power through aggression.

Definition of Workplace Bullying

According to the Workplace Bullying Institute:

“Bullying at work is repeated, malicious, health-endangering mistreatment of an employee (the Target) by one or more employees (the Bully, Bullies) that takes the form of verbal abuse; conduct or behaviors that are threatening, intimidating or humiliating; sabotage that prevents work from getting done or some combination of the three. It is psychological violence, a mix of verbal and strategic assaults to prevent the Target from performing well. It is illegitimate conduct in that it prevents work getting done. Thus an employer’s legitimate interests are not met.”

What Workplace Bullying Is Not...

Workplace Bullying Is Not:

1. **Illegal Harassment.** In Canada, illegal harassment is “grounds-based”, i.e., the victim must be a member of a recognized group. The *Canadian Human Rights Act* prohibits harassment related to race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation. But bullying cuts across groups. It is “status-blind” harassment.
2. **Mere Rudeness or Incivility.** Incivility pales in comparison to bullying in terms of longevity, severity, negativity and health impacts.

Examples of Workplace Bullying

- spreading malicious rumours, gossip, or innuendo that is not true
- excluding or isolating someone socially
- intimidating a person
- undermining or deliberately impeding a person's work
- physically abusing or threatening abuse
- removing areas of responsibilities without cause
- constantly changing work guidelines
- establishing impossible deadlines (set up to fail syndrome)
- withholding necessary information or purposefully giving the wrong information
- making jokes about a person or group that are 'obviously offensive' by spoken word or e-mail

Examples of Bullying (continued)

- intruding on a person's privacy by pestering, spying or stalking
- assigning unreasonable duties or workload which are unfavourable to one person (in a way that creates unnecessary pressure)
- underwork (creating feelings of uselessness)
- yelling or using profanity
- criticizing a person persistently or constantly
- belittling a person's opinions
- unwarranted (or undeserved) punishment
- blocking applications for training, leave or promotion
- tampering with a person's personal belongings or work equipment.

How Extensive is Workplace Bullying?

How Extensive Is Workplace Bullying In Canada?



1. In 1999, the International Labour Organization declared workplace harassment and violence one of the most serious problems facing the workforce in the new millennium. At the time, 75 per cent surveyed said they were bullied at work.
2. The Canadian Safety Council reports that workplace bullying is four times more common than sexual harassment or workplace discrimination.

Source: CBC News.

How Extensive Is Workplace Bullying In Canada?



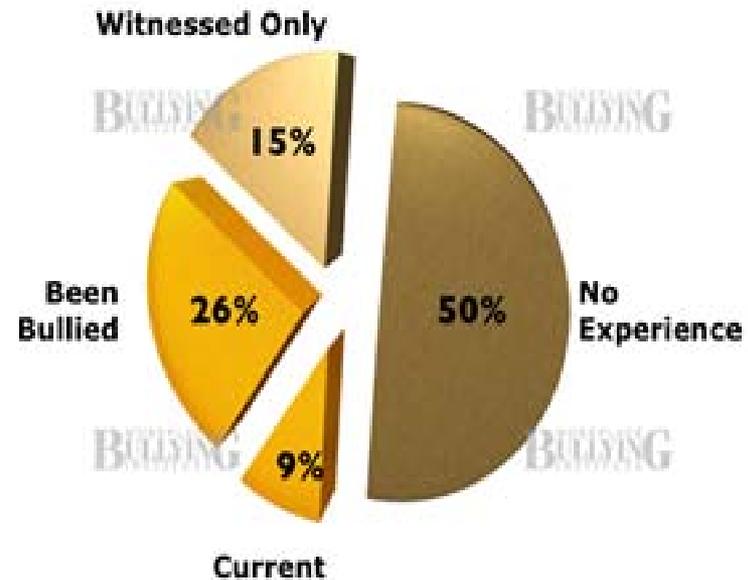
1. Jacqueline Power, an assistant professor of management at the University of Windsor's Odette School of Business, has spent years researching bullies in the workplace.
2. She says 40 per cent of Canadians have experienced one or more acts of workplace bullying at least once a week for the last six months.

Source: CBC News, Dec 6, 2011 9:45 AM ET

Last Updated: Dec 13, 2011 9:45 AM ET

How Extensive Is Workplace Bullying In The United States?

1. 35% of the U.S. workforce (an est. 53.5 million Americans) report being bullied at work;
2. An additional 15% have witnessed it.
3. Half of all Americans have directly experienced it.
4. Source: Workplace Bullying Institute, 2010



How Extensive is Bullying In the Nursing Profession?

How Extensive Is Workplace Bullying In The Nursing Profession?

1. Cooper and Swanson (2002) have reported that workplace bullying among nurses is now recognized as a major occupational health problem in United Kingdom (UK), Europe, Australia, and throughout North America.
2. Cooper and Swanson reported that 5% of healthcare workers in Finland have experienced bullying.
3. In a survey of National Health Trust community workers in the UK, 38% of staff reported having experienced bullying and were likely to leave their job as a result, whereas 42% had witnessed the bullying of others (Cooper & Swanson).

How Extensive Is Workplace Bullying In The Nursing Profession?



4. In the United States, nurses and physicians are frequently guilty of poor behavior in clinical settings. According to a 2008 Joint Commission Survey (4,530) of RNs, physicians, administrators, other health employees:
 - 77% of respondents had witnessed bad behavior by physicians
 - 65% of respondents had witnessed bad behavior by nurses
 - 67% of respondents agreed that disruptive behavior was linked to adverse effects.
5. In a 2003 study by the Institute for Safe Medication Practices, 88% of respondents had encountered condescending language or voice intonation, 48% had been subjected to strong verbal abuse, and 43% had encountered threatening body language.

How Extensive Is Workplace Bullying In The Nursing Profession?



6. Where does this behavior come from?

In the past, most of what's been reported was that physicians and patients in such areas as mental health, EDs, and ICUs were the primary sources of abuse and harassment. Now, the trend is that the abuse is also coming from within nursing, especially nursing leadership.

Contributing factors to these behaviors are often related to the nursing shortage and include the stress associated with poor staffing levels and longer work hours. Other factors include the improper training of staff, power and control issues, as well as individual personalities. Individuals with volatile personalities are more likely than other people to engage in abusive and harassing situations.

How Extensive Is Workplace Bullying In The Nursing Profession?



7. What impact does workplace abuse and harassment have?
 - Workplace abuse threatens the delivery of safe quality care. In the Institute for Safe Medication Practices study, 49% of those surveyed reported that their experiences with intimidation had altered the way they handle order clarification and questions about medication orders, often preferring to assume an order was correct or ask coworkers for clarification rather than interact with an intimidating prescriber.

How Extensive Is Workplace Bullying In The Nursing Profession?

7. What impact does workplace abuse and harassment have?

The greatest impact of workplace abuse and harassment on the individual is often emotional. Working in this type of environment demoralizes nurses and health care workers. It can leave them feeling devalued and attacked and can lead to feelings of isolation, depression, and anxiety. It also can lead to decreased morale and [job satisfaction](#). These factors influence where — and whether — nurses choose to practice, learn, teach, and conduct research. It also leads to lost productivity, increased absenteeism, and increased nursing turnover, which further compound the nursing shortage.

How Extensive Is Workplace Bullying In The Nursing Profession?

7. continued.
 - For example, in the 2003 study “Workplace Violence: A Focus on Verbal Abuse and Intent to the Organization,” published by *Orthopaedic Nursing*, 91% of respondents had experienced verbal abuse in the previous month, and the amount of abuse and intent to leave the organization were significantly related.
 - Chiders (2004) noted in “The Nurses in Hostile Work Environment’s 2003 Report” that, in the U.S., 70% of victims leave their job, 33% of these victims leave for health reasons and 37% because of alleged manipulated performance appraisals.

American Nurses Association Acts to Limit Workplace Abuse of Nurses



- In 2006, the ANA established a zero-tolerance policy for work environments in which individuals misuse their positions of authority and/or foster hostile work conditions.
- The measure, dubbed “Workplace Abuse and Harassment of Nurses,” declares that all professional nurses in all settings have a nonnegotiable right to work in healthy environments free of abusive behavior, and nurses shall not voluntarily participate in abuse. It also states that nurses will promptly report abusive incidents, ensure that those who report incidents do not face reprisal, and take appropriate follow-up actions. These actions include disciplining offenders, counseling victims, and analyzing incidents to create the best preventive strategies.

Who Bullies People In The Workplace?

Workplace Bullies Are Most Likely to Be People In Positions of Authority



1. CareerBuilder recently released a 2012 survey on workplace bullying within the United States. The study, which included more than 3,800 workers nationwide, revealed that bullies can be found at all levels within a company.
2. Alleged perpetrators of bullying were most likely persons in positions of power and authority (74%):
 - Bosses (48 percent)
 - Co-workers (45 percent).
 - Customers (31 percent)
 - Someone higher up in the company than their boss (26 percent)

Workplace Bullying Most Often Involves Same-Gender Harassment

1. Both men and women can be workplace bullies.
2. According to the WBI-Zogby Survey (2007), workplace bullying most often involves same-gender harassment. Consider:
 - * 61% of the cases involved same-gender harassment;
 - * 32% of the cases were man-on-man harassment
 - * 29% of the cases were woman-on-woman harassment
 - * 28% of the cases were man-on-woman harassment; and
 - * 11% of the cases were woman-on-man harassment

Men and Women Use Different Tactics When They Bully.

1. Female bullies tend to use covert techniques, such as:
 - * spreading rumors
 - * providing conflicting instructions
 - * making negative statements to others and
 - * being emotionally intrusive,
2. Male bullies tend to use more overt strategies such as:
 - * yelling
 - * public criticism
 - * mocking and
 - * direct disparagement.

Workplace Bullies Are More Likely to Be Older Rather Than Younger Workers.



1. In the 2012, CareerBuilder survey on workplace bullying:
 - * 54 percent of those bullied said they were tormented by someone older,
 - * while 29 percent said the bully was younger.

Who Are the Most Likely Targets of Workplace Bullying?

Non-Supervisory Employees Are The Most Likely To Be Bullied At Work.



Bullying tends to flow downhill. Workers who do not manage others comprise the majority of bullied Targets.

Based on organizational position, Targets are most likely to be:

- Non-Supervisory Employees (55%)
- Supervisory Employees or Managers (35%)
- Temporary Workers (5%)
- Executives (5%)

WBI/Zogby Survey 2007

Demographic Characteristics of Targets.

1. **Gender:** Overall, women comprise the vast majority of bullied people (80%). **Source:** Namie, Gary; Workplace Bullying, Escalated Incivility; Ivey Business Journal Nov-Dec, 2003.
2. According to the Workplace Bullying Institute, the most common workplace bullying victims are women in their 40s.
3. **Age of Victim:** Statistics show that bullies don't pick on the new guy, but long-term, well-established employees, typically those in their 30s and 40s.
4. **Race of Victim:** Generally, People of Color are more likely to be bullied than Whites. Hispanics and Blacks are most likely to have experienced workplace bullying. Whites and Asians are least likely to have experienced workplace bullying.

Characteristics of Workplace Bullying In The United States (Race, 2010)



Race	Bullied Now	Been Bullied	Combined	Witnessed Only	No Experience
Hispanics	12.7%	23.5%	40.2%	12.3%	51.4%
Blacks	11%	27.6%	38.6%	7.9%	51.5%
Whites	7.9%	25.7%	33.6%	16.8%	49.6%
Asians	3.8%	9.7%	13.5%	37.6%	48.9%
National Average	8.8%	25.7%	34.5%	15.5%	49.6%

Characteristics of Workplace Bullying In The United States (Age, 2010)



Bullying Experience	Ages 18-29	Ages 30-49	Ages 50-64
Currently Bullied	27%	50%	23%
Been Bullied Not Now	22%	47%	30%
Witnessed Only	29%	49%	22%
No Experience	23%	48%	30%

Why Do Targets' Believe That They Are Being Bullied?

Why Do Targets Believe They're Bullied?



According to WBI research, the top reasons bullied individuals gave for being bullied (in order of frequency) were:

1. The Target refused to be subservient, to not go along with being controlled (reported by 58% of respondents)
2. The Target's superior competence or technical skill (reported by 56% of survey respondents).
3. The Target's social skills: being liked, positive attitude (reported by 49% of survey respondents)
4. Ethical, honest reporting of fraud and abuse (whistle-blower type behavior) (reported by 46% of survey respondents).

What Do Bullies Do To Intimidate and Harass?

Top Ten Bullying Tactics

1. Blame for "errors"
2. Unreasonable job demands
3. Criticism of Ability
4. Inconsistent compliance with rules
5. Threatens job loss
6. Insults and put-downs
7. Discounting/denial of accomplishments
8. Exclusion, "frozen out"
9. Yelling, screaming
10. Stealing credit

Source: Workplace Bullying Institute (WBI), 2003

Workers Reported Being Bullied in the Following Ways: (CareerBuilder 2012)



- Falsely accused of mistakes -- 42 percent
- Ignored -- 39 percent
- Different standards applied to me than other workers -- 36 percent
- Constantly criticized -- 33 percent
- Co-worker didn't do their job, which hurt my work -- 31 percent
- Yelled at by boss in front of co-workers -- 28 percent
- Belittled in front of others -- 24 percent
- Gossiped about -- 26 percent
- Someone stole credit for my work -- 19 percent
- Purposely excluded from projects or meetings -- 18 percent
- Picked on for personal attributes -- 15 percent

Targets Endure Bullying for Lengthy Periods of Time.

1. Targets are not whiners. They typically endure workplace bullying for long period of time.
2. Fully 73 percent of bullied Targets endure bullying for more than six months; 44 percent for more than one year.
3. According to the Workplace Bullying Institute (2007):
 - 44% were bullied for over one year
 - 29% were bullied for 6 to 12 months; and
 - 27% were bullied for < 6 months

What Are the Effects Of Workplace Bullying?

Effects on Individuals (Targets).

People who are the targets of bullying may experience a range of effects. These reactions include:

- Shock/anger
- feelings of frustration and/or helplessness
- increased sense of vulnerability
- loss of confidence
- physical symptoms such as inability to sleep or loss of appetite
- psychosomatic symptoms such as stomach pains or headaches
- panic or anxiety, especially about going to work
- family tension and stress
- inability to concentrate, and
- low morale and productivity.

Effects on Individuals (Targets).

- **Higher Incidence of Post Traumatic Stress Disorder (PTSD).** Interestingly, some newer research suggests that the most traumatic part of workplace bullying may not be the conduct itself, but the sense of being in “captivity,” or unable to escape the situation over a prolonged period of time. Coworkers of bullies may demonstrate the same syndrome, albeit a milder version. **PTSD symptoms include:** hyper-vigilance, fatigue, persistent anger, fearfulness, fragility, numbness, forgetfulness, hypersensitivity and somatic symptoms such as loss of sleep and heart palpitations.
- **Use of Sick Leave** - British research suggests targets of bullying use far more sick leave than average workers.
- **More likely to engage in dysfunctional licit or illicit use of drugs/chemicals.**

Effects on Organizations.

Bullying affects the overall "health" of an organization. An "unhealthy" workplace can have many effects. These include:

- increased absenteeism
- increased turnover
- increased stress
- increased costs for employee assistance programs (EAPs), recruitment, etc.
- increased risk for accidents/incidents
- decreased productivity and motivation
- decreased morale
- reduced corporate image and customer confidence, and
- poorer customer service.

Effects on Organizations.

- Declining productivity, loss of morale and increased absenteeism are logical consequences of bullying. Interestingly, it appears that witnesses to bullying may, in the short term, increase productivity in order to evade being bullied themselves.
- Bullying by managers or leaders in the corporation creates a climate of fearfulness and distrust which stifles creativity, innovation, risk taking and teamwork.
- Bullying that has been permitted to flourish in organizations can also “leak,” resulting in clients or customers becoming unhappy with the business.
- As a steady stream of employees departs the bullying environment, organizations get a reputation as a “tough place to work,” affecting recruitment and hiring.

YouTube Video Clip.

2010-04-15 Dr. Lisa Barrow discusses the new legislation in Ontario, Canada which addresses workplace violence and harassment. She discusses the effects of workplace bullying in her new book.

http://www.youtube.com/watch?v=rTb_cFJe3Jk

What Actions Do Targets Take To Stop the Bullying?

Targets Rarely Confront The Bully or File Formal Complaints.



According to the Workplace Bullying Institute/ Zogby Survey, (2007) bullied workers rarely confront or act in an adversarial manner:

- 40 percent did not tell their employers
- 38 percent informally notified their employer via an internal complaint
- 15% filed a formal internal complaint
- 4 percent filed a formal EEO complaint
- Only 3 percent filed a formal lawsuit

Male and Female Targets Respond to Bullying Differently.



According to the Workplace Bullying Institute/ Zogby Survey, (2007) male and female targets respond to bullying in different ways:

- Male Targets were more likely than women to take no action (45.5% versus 37 percent)

Targets were more likely to informally complain to their employer about bullying when the bully was a woman than when it was a man (43 percent versus 36 percent).

Targets were also more likely to do nothing when the bully was a man than when it was a woman (44 percent versus 36 percent)

What Actions Do Targets Take?



According to the CareerBuilder Workplace Bullying Survey (2012), bullied workers handled the situation in different ways:

- 49 percent of victims reported confronting the bully themselves.
- 50 percent of those who confronted the bully said the bullying stopped; 11 percent said it got worse; 38 percent said the bullying didn't change.
- 27 percent reported it to their HR department.
- 43 percent of those who reported it to HR said action was taken; 57 percent said nothing was done.

Who Supports Targets? What Do Co-Workers Do?

Targets Are Mainly Supported By Spouses and Friends Outside of Work

According to the Workplace Bullying Institute, positive support for Targets was most likely to come from outside the workplace.

Most likely sources of support for Targets were:

- Spouses (85 percent positive actions)
- Friends outside of work (79% positive actions)

Source: WBI 2003 Survey

What Do Co-Workers Do In Response to Workplace Bullying?

The 2008 WBI Survey explored in depth co-workers responses to workplace bullying. Major findings included:

1. **In 46 percent of bullying cases, co-workers abandoned their bullied colleagues**, to the extent that 15 percent aggressed against the Target along with the bully.
2. **Some co-workers did do positive things in 36 percent of cases – mainly limited to offering moral or social support (28%).** (In 7% of cases co-workers offered advice to the Target about what they should do to stop the bullying. Co-workers banded together, confronted the bully and stopped the bullying in <1% of cases!)
3. **Co-workers did nothing in 16 percent of cases.**

What Actions Do Employers Take To Stop the Bullying?

What Actions Do Employers Take?



As reported by Targets, employers took the following actions:

- 31% conducted an investigation with no consequences for the bully while the Target was retaliated against.
- 24% of employers did nothing; the Target was retaliated against and eventually lost their job.
- 16% of employers did nothing; the Target was retaliated against but kept their job.
- 13% of employers did nothing or ignored the complaint, with no real consequences for the bully or Target.
- 9% investigated with no consequences for the bully or Target.
- 6% investigated and took action against the bully but failed to protect the Target from future abuse.
- 2% investigated, punished the bully and protected the employee

WBI/Zogby 2008

In Sum, Most of the Time Employers Took Little Action to Protect Targets



Based on the preceding results, it appears that employers predominantly did nothing (53 percent) and actually retaliated against the Target in 71 percent of reported cases

WBI/Zogby 2008

What Ultimately Happens to Targets of Bullying?

What Ultimately Happens to Targets?

- TARGET QUILTS 40%
- TARGET FIRED 24%
- TARGET TRANSFERS 13%
- BULLY PUNISHED 23%

Source: WBI/Zogby Survey 2007

Impact of Workplace Bullying

1. To the extent that 40 percent of Targets quit their jobs, that represents the preventable loss of 21.6 million workers (based on the estimated 54 million who are bullied in the U.S.)
2. This is occurring at a time when employers face critical shortages of skilled workers.
3. Further, if one makes the conservative estimate that half of the bullied employees' terminations are the result of a bullying boss and not just cause separations, an additional 6.5 million employees lose their jobs to preventable bullying.
4. The total turnover estimate attributable to bullying can be reasonable stated to be 28 million American workers.

Is Workplace Bullying Against The Law?

YouTube Video Clip.

1. Workplace Bullying Legislation, Ontario, Canada -
CBC2012-03-04 CBC's Harvey Gould looks at a new law
in Canada to stop workplace bullying.

<http://www.youtube.com/watch?v=Tfa9qKHFcMA>

Growing International Legislation



- 1994 **Sweden** passes an ordinance on measures against victimization at work, making it the world's first law against workplace bullying.
- 1995 **Australia** - Under the Queensland *Workplace Health and Safety Act 1995*, employers must manage exposure to the risk of injury or illness created by workplace harassment, including bullying.
- 1997 U.K. passes Protection from Harassment Act creates protection from persistent bullying in the workplace.
- 2002 **France** passes a national anti-bullying law.
- 2004 **Quebec** passes the first North American anti-bullying law.
- 2005 **Ireland** amends the National Safety, Health and Welfare Act requiring employers to create anti-bullying policies.

Is Workplace Bullying Illegal In Canada?



1. Canada shares with Britain and Australia an implied duty of care by employers. Part of the implied employment contract requires the employer to treat employees with civility & dignity.
2. Constructive dismissal actions based on bullying behavior represent a breach of the implied contract.
3. Canadian provinces have dealt with workplace bullying and harassment provisions in different ways.
4. Some have provisions in their occupational health and safety acts and/or regulations or in other acts such as labour standards acts.
5. Others have created a separate provision for workplace harassment and/or workplace violence.

Is Workplace Bullying Illegal In Canada?



1. **Saskatchewan** amended its Occupational Health and Safety Act and Regulations to include provisions for harassment.
2. **Manitoba** has provisions regarding harassment in its Workplace Safety and Health Regulation.
3. **Quebec** has amended its Act Respecting Labour Standards to include psychological harassment.
4. **Ontario** has amended its Occupational Health and Safety Act to include a section that combines provisions for both violence and harassment. **British Columbia and Alberta** have taken similar steps.
5. No specific legislation exists in Manitoba, Yukon, North West Territories, Nunavut, Ontario, New Brunswick, Nova Scotia, Newfoundland or Labrador regarding workplace bullying.

Legal Definitions Are Important...

1. Of the jurisdictions that have harassment provisions, Quebec, Manitoba, Saskatchewan and Ontario define harassment but not bullying specifically.
2. Generally, the definitions of harassment in these provinces have some key similarities...
3. First, the definitions generally define harassment as “any conduct or comment that is inappropriate, vexatious, or offensive by a person toward a worker”. **Included under this conduct would be** verbal or written abuse or threats; insulting or degrading comments, jokes or gestures; and personal ridicule or malicious gossip. **However, workplace bullying and harassment would generally not include situations where there are differences of opinion between co-workers.** Source: WorkSafeBC White Paper 2012

Legal Definitions Are Important...



4. Based on these definitions, the offender could be: another employee (i.e. co-worker, supervisor or employer) or it could be someone other than an employee, but with whom the worker is required to be in contact, such as clients, the public or people from contracting businesses.
5. The definitions generally contain language to the effect that the “offending person knew or reasonably ought to have known that their comment or conduct would cause that worker to be humiliated or intimidated”. **That means that harassment can exist even when there is no intention to harass or offend.** (i.e. the legal standard is based on impact not intent)

Legal Definitions Are Important...

6. Provincial definitions of harassment generally contain language to the effect that harassment can occur from a single incident or repeated incidents. One time misconduct or comment, *if serious enough*, can also have long-lasting harmful effects on a worker.
7. Provincial definitions of harassment often contain language that provides an exclusion for day to day management or supervisory decisions involving work assignments, job assessment and evaluation, workplace inspections, and disciplinary action. These actions are not considered to be harassment even if they sometimes involve unpleasant consequences. Managerial actions, however, must be carried out in a manner that is reasonable and not abusive.

Source: WorkSafeBC 2012 White Paper

Quebec's Efforts to Stop Bullying



1. Quebec was the first province in Canada to amend its Labor Standards Act by defining workplace bullying.
2. Quebec law refers to workplace bullying as psychological harassment and defines it as: "Any vexatious behavior in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures that affect an employee's dignity or psychological or physical integrity and that result in a harmful work environment for the employee." (Canada Safety Council, 2005).
3. Issues: statutory vagueness and cumbersome claims resolution process that first mandates mediation between the parties. Of the first 4,000 complaints, only 3 cases made it to the final stage of the adjudication process.

Saskatchewan's Efforts to Stop Bullying



1. Saskatchewan amended its provincial Health and Safety Act to in October 2007 to include harassment as a prohibited health hazard for employees.
2. Saskatchewan defines harassment as:

"Any inappropriate conduct , comment, display, action, or gesture by a person that is based on status/grounds of illegal harassment (race, creed, religion, color, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin) *or harassment which adversely affects the worker's psychological or physical well being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and that constitutes a threat to the health or safety of the worker.* " (Emphasis supplied.)

Vancouver, British Columbia



1. In July 2012, WorkSafe BC issued a Discussion Paper entitled "New Occupational Health and Safety Policies on Workplace Bullying and Harassment."
2. WorkSafe BC's eventual policy will have the full force of law.
3. Briefly, three new Occupational Health and Safety (OHS) policies have been drafted on workplace bullying and harassment. Generally, they provide
 - A. General duties of employers
 - B. General duties of supervisors and
 - C. General duties of workers

WorkSafe BC's Definition of Workplace Bullying and Harassment



Workplace bullying and harassment:

- (a) includes any inappropriate vexatious 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, offended 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

WorkSafe BC's Definition Does Not Include Non-Work Related Harassment



1. According to WorkSafe BC, its proposed policy "does not extend to harassment that arises out of matters or circumstances unrelated to a worker's employment".
2. For example, harassment that occurs during a social gathering of co-workers outside of work that is not sponsored by the employer is not covered.
3. However, harassment that occurs while on employer sponsored time, such as while attending a conference or training session would be covered.

Employer Duties Under WorkSafe BC's Proposed Workplace Bullying Policy



WorkSafe BC considers the following to be reasonable steps to address the hazard of bullying and harassment:

- a. Performing a risk assessment
- b. Develop and implement written policies, procedures to prevent workplace bullying and harassment
- c. Develop and implement procedures for workers to report incidents of workplace bullying and harassment. These procedures must:
 - set out a hierarchy of reporting that is first to their supervisor then to internal and external alternatives
 - indicate that the worker may report to WorkSafeBC
 - provide for the maintenance of confidentiality

Employer Duties Under WorkSafe BC's Proposed Workplace Bullying Policy



WorkSafe BC considers the following to be reasonable steps to address the hazard of bullying and harassment:

- d. Review these policies and procedures periodically
- e. Investigate and document complaints or incidents of bullying and harassment
- f. Take necessary corrective action to eliminate or minimize the risks of workplace bullying and harassment
- g. Provide instruction to workers who may be exposed to the risk of bullying and harassment;
- h. Ensure that workers reporting an adverse symptom, illness or injury as a result of bullying or harassment are advised to consult a physician of the worker's choice for treatment or referral

Supervisor Duties Under WorkSafe BC's Proposed Workplace Bullying Policy



WorkSafe BC's proposed policy states that a supervisor's obligation is to ::

- a) Ensure the health and safety of workers including
- b) Complying with and applying the policies, procedures, and work environment arrangements that the employer has in place to prevent bullying and harassment

Worker Duties Under WorkSafe BC's Proposed Workplace Bullying Policy



WorkSafe BC's proposed policy states that a worker's obligation is to take reasonable care to protect the health and safety of other workers including

- a) Not engaging in bullying and harassment of other workers;
- b) Reporting if a worker observes or experiences bullying and harassment in the workplace; and
- c) Complying with the employer's policies and procedures.

Tips on Addressing Workplace Bullying

Canada Safety Council – Tips on Dealing With Workplace Bullies



1. Understand the bully.
2. Identify the type of bullying.
3. Document the instances of bullying in detail.
4. Determine a plan to resolve the bullying.

Understand the Bully

- **Subtle bullies** – torment their targets with quiet but piercing techniques. Is a two-faced, passive-aggressive destroyer of reputations through rumour spreading, controls target's reputation.
- **Abusive bullies** – hound a target employee without mercy, and humiliates target in a public setting.
- **Controlling bullies** – control target via withholding resources (e.g. time, budget, autonomy, training) necessary to succeed.
- **Raging bullies** – intimidate everyone in the vicinity with their out-of-control anger.
- **Echo bullies** – are not normally abusive, these bullies mimic bullying behavior with their own subordinates.

Understand the Bully

- **Opportunistic bullies** – are competitive people who are interested in making career gains even though it may involve stepping on other people.
- **Critic bullies** – falsely accuse and undermine targets behind closed doors, attempting to control the target's self-identity.

Identify the Type of Bullying

- Unrealistic job demands.
- Unreasonable criticism.
- Creating an inconsistent or unfair work environment.
- Not giving credit where it is due.
- Insults, putdowns, jokes
- Yelling, screaming, and other abusive behavior.

Document the Instances of Bullying in Detail

- Document specifics – what happened.
- Document when it happened – specific time and date. Keep a log of each specific instance.
- Document where it happened – at work, outside work
- Document its effect on you – how did you feel
- Document any actions that you took – did you keep a file? a diary? Tell a friend, family member or co-worker? Tell your manager or supervisor or others in authority?
- Document any witnesses.
- Collect/Preserve Evidence – e-mails, voice-mails, texts,

Determine a Plan to Resolve the Bullying

- Request a meeting time where you can confront the bully in a professional setting.
- Seek assistance from senior management.
- Seek third party mediation.
- Seek legal advice.
- Get medical attention.
- Establish and protect boundaries.
- Do not blame yourself.
- Solicit witness statements.
- Follow internal complaint processes.

Determine a Plan to Resolve the Bullying

- Communicate the problems with the bully or two levels of management higher than the bully.
- Take precautions when taking the direct approach, it may result in undesired and unpredictable consequences. Complaining about the bullying may draw repercussions against the target rather than the bully.
- **BUT NOTE:** Of people who reported bullying in the workplace, 13 per cent of targets were transferred, 40 per cent ended up leaving voluntarily and 24 per cent were terminated. In only 23 per cent of those cases was the bully punished. These numbers are certainly not encouraging to anyone hoping to resolve the issue.

For Additional Information, Contact

David B. Hunt, J.D., President

Critical Measures, LLC

(612) 746-1375

dbhunt@criticalmeasures.net

www.criticalmeasures.net

The Tolerance Scale

5 = Appreciation

4 = Acceptance

3 = Tolerance

2 = Avoidance

1 = Repulsion

Case Studies - Terry

- Terry just walked away from another yelling match between the unit supervisor and a newer nurse on the unit. Terry went into the patient's room and was questioned about all the noise and confusion out in the hallway.
- Hours later, the patient's family called to ask how he was doing. Terry read directly from the physician's notes, making adjustments to turn the phrasing to something more globally understood. Terry did not agree with the physician's notes.
- Quite concerned, Terry had been calling the physician for hours to get updated orders for meds, IVs, and monitoring settings. The physician never returned Terry's calls. The patient took a serious turn for the worse about 2 hours later.
- After STAT paging, the physician came to the floor and started a tirade.