

Anti-Harassment & Bullying Quiz



QUESTION

In order to substantiate a claim of being bullied in the workplace by a manager or co-worker you must be able to provide evidence to prove your claim.

Yes or No.

ANSWER

Generally, no.

If you believe that you are the object of being bullied you do not have to prove it. What you need to do is to provide a written, formal complaint and ask your employer to arrange for someone independent to investigate your complaints. An investigator with employment law knowledge will be able to figure out whether anything inappropriate or unlawful has occurred.

WHY IS IT RIGHT

Workplace bullying involves verbal comments that could mentally hurt or isolate a person at work, and may even involve physical contact, according to the Canadian Centre for Occupational Health and Safety. Canada's Policy on Harassment Prevention and Resolution defines harassment as improper conduct that is directed at and offensive to another person in the workplace—including at any event or location related to work.

More than half of Canadians say they have experienced bullying at work, according to the results of a November 2018 survey by polling firm Forum Research. The phone survey of almost 1,900 Canadians showed that 55 percent of them reported bullying to management, senior staff, human resources, or another person or department responsible for employee conduct.

The survey also found that only 1 in 3 Canadian employers took action to address the bullying.

Employers are required to take the safety of their employees seriously and adequately respond to incidents of violence and harassment.

Workplace bullying and harassment can have far-reaching impacts on worker health

and safety, leading to absenteeism, lower productivity, anxiety and depression.

British Columbia Employers

To date, British Columbia is the only Canadian province that has developed policies specifically addressing workplace bullying.

WorkSafeBC has developed occupational health and safety policies to ensure that employers in British Columbia take all reasonable steps to prevent or minimize workplace bullying and harassment. These steps include the following:

- Draft a policy statement that workplace bullying and harassment are not acceptable. Then distribute the statement to workers.
- Create ways workers can report incidents or complaints of bullying and harassment.
- Figure out how HR or supervisors will handle incidents or complaints of workplace bullying and harassment, including how and when to conduct investigations.
- Train workers and supervisors about what bullying and harassment are.

If a worker believes that he or she has experienced or observed bullying or harassment at work, he or she should report it to the employer.

If the employer decides to conduct an investigation, a reasonable investigation in British Columbia is one that is fair to all parties involved, so that means gathering information from the complainant and the respondent in a neutral way.

Sometimes, employers will hire an external investigator to gather information, conduct the investigation and report findings to both parties.

HR's Response – Neutral Workplace Investigation

Confidentiality is a key aspect of a neutral workplace investigation. A neutral workplace investigator should gather information from witnesses and not share information with witnesses.

To ensure a fair workplace investigation adopt the following practices:

- Get a written statement from the complainant that reflects the misconduct.
- Document all details with “the five w’s”—who, what, where, when and why.
- Make sure the person accused of misconduct has a copy of the written complaint before an interview with the investigator.
- Identify and interview key witnesses. The workplace investigator should not tell the witnesses about any information already gathered.
- Create a paper trail, including a review of e-mails, notes, video footage or other tangible evidence.
- Report all information back to the parties. The workplace investigator can draw conclusions using the civil standard of proof—meaning he or she has reviewed all evidence and has made findings of fact based on whether the incident occurred.

HARASSMENT, DISCRIMINATION AND PREVENTION TRAINING

Questions for Employees About Harassment & Discrimination

1. How knowledgeable are you about how to make a report of sexual harassment

or discrimination

2. How knowledgeable are you about what happens when an employee reports an incident of sexual harassment or discrimination
3. Have you ever received training or materials that covered the legal definition of sexual harassment &
4. Have you ever received training or materials that covered your company's policy on sexual harassment & discrimination?
5. Have you ever received training or materials that covered how to report sexual harassment & discrimination?
6. Have you ever received training or materials that covered how to intervene as a bystander to protect other employees from sexual harassment & discrimination?
7. Do you believe there is a clear sense of appropriate and inappropriate behavior among employees at your company?
8. Do you feel empowered to report inappropriate sexual conduct by a coworker at your company?
9. Do you feel empowered to report inappropriate sexual conduct by a supervisor at your company?

Managers responsibilities with bullying workplace behavior in the workplace

A line manager or head of department is ultimately responsible for ensuring his or her department runs smoothly and efficiently. Managers of people should all have diversity training or leadership training and they should also understand company policies and procedures. You can ask your manager to refer you to those policies. At this point, he may want to talk to you about what is troubling you. Be open and transparent with him and inform him of your concerns.

If a manager is aware there is conflict within his team, he/she should look into matters immediately. If he/she does not do this it may be because he is involved or implicated in some way, or it may be for some other reason. He/she may lack the necessary skill required to resolve matters or he/she may feel reluctant to escalate matters to more senior management.

Some people simply prefer to avoid conflict – it is human nature. However, a manager has a responsibility, a duty in fact, to both his team and to the organization as a whole, to ensure contentious issues are dealt with promptly. A manager should have the ability and the confidence required to address matters informally at the outset – to nip problems in the bud. If matters cannot be resolved amicably through discussion, escalate concerns to a more senior and more skilled member of the management team. If it is a senior Director or the business owner who you are having problems with, seek professional advice or call our helpline.

Start by documenting a couple of examples of the behavior that is distressing to you, research the procedure and speak to a member of the management team who you trust. Focus on the written word, not the spoken word (gossip). If there is an HR department, ask to speak to someone who deals with employee relations. If matters are not resolved informally, set out your concerns in writing to include the fact that you have told a member of the management team and matters were not resolved. Keep a diary. Gather documentary evidence. Escalate matters to a more senior manager.

WHY IS EVERYTHING ELSE WRONG

QUESTIONS THAT HELP DESCRIBE BULLYING IN THE WORKPLACE

Bullying can take the form of verbal, physical, emotional, social and/or sexual abuse. It can occur face-to-face or via avenues such as social media, Internet chat rooms, email, text messaging, telephone and videoconference.

Examples of Bullying Include but are not Limited to:

- Abusive or offensive language, insults, ridicule, sarcasm or intimidating remarks
- Spreading derogatory innuendo or rumors about a person
- Teasing or practical jokes/pranks, particularly after the person targeted has objected
- Physical aggression
- Making phone calls or sending letters or e-mails that are threatening, abusive or offensive
- Interfering with or damaging a person's property
- Repeatedly criticizing or making comments intended to discredit or undermine a person or devalue their work
- Deliberately excluding someone from work-related/study-related events, social activities or networks
- Deliberately withholding work-related/study-related information or resources or supplying incorrect information to an individual
- Inappropriately threatening a student with low grades or a staff member with dismissal, disciplinary action or demotion
- Unrealistic job changes, including too much or too little work, unreasonable deadlines or work targets, or tasks below or well beyond a person's skill level
- Subjecting a person to constant surveillance or over-detailed supervision and unwarranted checking of performance
- Denying access to training and development or career opportunities without justification (Harassment and Bullying Prevention Guidelines, Clause 27, Charles Sturt University, Australia, 22 May 2014)

What is not workplace bullying?

- An isolated incident of unwelcome behavior
- Reasonable management action carried out in a reasonable manner – this includes:
 - setting reasonable performance goals, standards and deadlines
 - rostering and allocating working hours where the requirements are reasonable
 - transferring a worker for operational reasons
 - deciding not to select a worker for promotion where a reasonable process is followed
 - informing a worker of their unsatisfactory performance
 - informing a worker of their unreasonable or inappropriate behavior in an objective and confidential way
 - implementing organizational changes or restructuring
 - taking disciplinary action including suspension or termination of employment.
- Making a complaint about a manager's or another employee's conduct
- A workplace conflict, e.g. a difference of opinion or a disagreement

Am I being bullied?

A response of "yes" to any of the questions may not be evidence in itself of being bullied, it does raise the need for further investigation.

Am I being bullied? Does someone:

1. Persistently attempt to belittle me or undermine my work?
2. Persistently and unjustifiably criticise me or monitor my work?
3. Persistently attempt to humiliate me in front of colleagues?
4. Use destructive innuendo and sarcasm against me?
5. Physically or verbally threaten me?
6. Freeze me out, ignore or exclude me? Set me impossible deadlines?
7. Set me impossible deadlines?
8. Alter my work goals without telling me?

Am I a bully?

What makes you think you are a bully? Have you been accused of being a bully? Do you believe you reacted recklessly or unnecessarily aggressive, so feel remorseful?

If you believe you are a bully it is highly unlikely you are. Bullies are generally oblivious of their actions. The fact that you are examining your own actions and/or feelings is extremely commendable and you will, very likely, recover from this phase or situation you are going through. We are pleased that you are seeking to challenge and 'better' yourself as a person. This trait is not typical of a bully! You may have acted out of character in a difficult situation but that is likely to be something that will be remedied over time. If you have been accused of being a bully, we can help you.

What is indirect or subtle bullying?

Subtle bullying is described as the actions of someone who behaves with mischief, often intentional and usually behind your back, with negative motive ie: to ease you out of your role or cause you professional embarrassment for example. It may be that the bully wants to bring you to disrepute or have you excluded in some way. Exclusion is bullying.

Often, the behavior of these 'stealth like' bullies creeps up slowly but impacts on you negatively and leaves you questioning yourself. When confronted, the bully will go into denial. This can be extremely frustrating. The bully will be quick to blame others. They may even blame circumstance. Bullies are cowards! As an example, employers (typically the line manager) who does not have the skills to performance or capability manage an individual may create a vexatious redundancy scenario in order to dismiss an employee. This does not mean to say every Redundancy situation is not genuine but the term Redundancy is far too often and inappropriately by the Corporate bully.

If you believe you are being bullied, you do not have to prove it. All you need to do is raise a written, formal, complaint and ask your employer to arrange for someone independent to investigate your concerns. A good investigator with employment law knowledge will quickly ascertain whether anything inappropriate or unlawful is occurring.

Is bullying making me sick?

Headaches, nausea, sleeplessness are just some symptoms of stress. If you suffer with stress and your Doctor has signed you off with 'Work Related Stress' it would be reasonable to say your employer is responsible for your ill health. However, what you do about it is crucial. You cannot hold an employer responsible for something they do not know about.

You need to write to your employer and explain what it is that is upsetting you and what it is that has resulted in your current ill health. The responsible employer will want to investigate matters – even if only to exonerate themselves from future risk of litigation. If an employer allows you to return to a workplace that is likely to, or has in the recent past, caused your ill health – it would be irresponsible and probably a failure of the employers Duty of Care to provide you with a 'safe and stress-free place of work'. You need to seek professional advice as a matter of priority in this circumstance.

How can bullying occur? (power imbalance)

A bully misuse relative or assumed power to intimidate, humiliate, threaten or control a target on a repeated basis.

This power imbalance can be:

- Upwards, e.g. a manager bullied by an employee or a lecturer bullied by a student
- Downwards, e.g. an employee bullied by their manager
- Sideward, e.g. an employee bullied by a team member or colleague the bully always uses power for their own gain. It is never about win-win.

What can you do if you witness bullying?

- Do not ignore any bullying or pretend that it didn't happen.
- Do not encourage or participate in bullying behavior. If you feel confident and it is safe to do so, ask the alleged bully to stop.
- Do not harass, tease or spread gossip about others – this includes using social networking sites like Facebook and Twitter.
- Do not acknowledge, reply to or forward on messages or photos that may be offensive or upsetting.
- Keep a confidential, accurate record of what you have observed.
- Encourage the person who considers they are being bullied to ask for help, e.g. accompany them to a place where they can get help or provide them with information about where to go for help.
- Report the bullying to someone in authority, e.g. to a manager or the Division of Human Resources (staff and students) or Head of School (students). If the bullying involves assault, injury or damage to property, report it to the police. If it occurs online, report it to the owner of the website.

What types of bullying are there?

- **Conflict escalation** – most bullying begins with a conflict. In the early stages, both parties might try to resolve the conflict in a constructive manner. However, if this is not successful and the conflict escalates, the more powerful person starts to dominate and target the other with behavior

s that are a risk to the target's health and

- **Predatory behavior** – a predatory bully singles out a target and then tries to make that person's life miserable or get rid of them. The behavior is usually based on the target being perceived as different, and can involve unlawful discrimination or
- **"Normal behavior" or "see no evil" approach** – in this approach bullying is accepted as normal behavior. Bad behavior is ignored, concerns about bullying are downplayed by treating complaints as personality clashes or performance management issues, and targets who complain are labelled as "sensitive". Bullying may even be viewed as a legitimate management style to pressure staff (or students) to reach very high targets or tight
- **Victimization of a "whistle blower"** – bullying may be used to punish a person who has reported or made a complaint about poor practice or bad
- **"Mobbing"** – this refers to an individual being bullied by a group of people, especially when the target has violated group

What are the impacts of bullying?

- Stress
- Depression
- Physical illness, e.g. headaches, digestive problems, muscle tension
- Reduced self-confidence and self-esteem
- Social withdrawal
- Deterioration in relationships with family, friends and/or colleagues
- Reduced work performance and productivity
- Reduced job satisfaction

Bullying may negatively impact on the workplace through:

- Reduced morale and motivation
- Reduced productivity
- Increased absenteeism
- Increased staff turnover and associated recruitment and training costs
- Loss of knowledge, skills and experience when staff leave
- Costs associated with workers' compensation claims, internal and external investigations, legal cases and increased insurance premiums
- Loss of workplace reputation

What is our duty of care in relation to bullying and harassment?

Everyone in the workplace has a duty of care to ensure that workplace bullying and harassment do not occur.

The **employer** has the primary duty of care to ensure that staff and students are not exposed to harm in the work and study environments. This requires that risks to health and safety be eliminated where practicable or otherwise minimized.

Do I bully others?

Even though your behavior may seem innocent to you, it is important to consider its effect on others. Would a reasonable person consider it to be bullying? Try the following quiz.

Do I bully others? Do I:

1. Place undue pressure on others to produce the results I want?
2. Change job descriptions, goals or guidelines without explanation?
3. Remove someone's responsibility unfairly or without explanation?
4. Criticize or reprimand others publicly instead of counselling them in private?
5. Exclude people from relevant meetings and other information?
6. Use unfair techniques to influence others?
7. Abuse my authority to get what I want?
8. Assign menial or meaningless tasks to people I dislike?

What can you do if you are accused of bullying?

- Listen carefully to the complaint. Seek clarification about what aspects of your behavior are considered unacceptable. If needed, ask for a break or time to consider your response. Apologize for any offence that may have been caused and discuss how you might work together more effectively.
- If you do not understand the complaint, discuss it confidentially with someone you trust, e.g. friends, peers, manager or Employee Assistance Program counsellor (staff) or Student Counsellor (students).
- Stop the behavior and review what you are doing.
- If you feel that you are being unjustly accused and/or that the allegation is false and malicious, contact the Human Resources.
- If a formal complaint is made against you, you will have the right to be informed of the allegations, to respond to them, and to have a support person accompany you to meetings. Gather evidence in your defense, including witnesses.
- If the complaint is upheld, then disciplinary action will be taken.
- If the complaint is not upheld and the Company believes that it was not made in good faith, then disciplinary action will be taken against the person making the false complaint.
- Do not victimize the complainant or anyone who has supported the complainant and given evidence. Victimization is likely to lead to disciplinary action.