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WorksafeBC Approves Workplace Anti-Bullying and Harassment Policies

Chris Beneteau

On April 24, 2013, WorkSafeBC announced the approval of new Occupational Health and Safety Workplace Bullying and Harassment Policies, which come into effect on November 1, 2013.

Policy D3011502, titled Employer Duties – Workplace Bullying and Harassment, sets out minimum requirements for employers to satisfy their obligation to take all reasonable steps to ensure the health and safety of workers and their obligation to inform, instruct, train and supervise workers to ensure their safety and those of other workers (sections 115(1)(a) and 115(1)(c) of the *Workers Compensation Act*).

The policy defines “bullying and harassment” as including 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 reasonable actions taken by an employer or supervisor in the management and direction of the workplace.

Based on this definition, the policy requires employers to develop a policy statement with respect to workplace bullying and harassment, to develop and implement reporting procedures for incidents of workplace bullying and harassment, to develop and implement investigation procedures for such incidents, and to provide training to supervisors and workers on workplace bullying and harassment. Two other policies set out worker duties and supervisor duties with respect to workplace bullying and harassment.

Last year, section 5.1 of the *Workers Compensation Act* was expanded to include coverage for employees suffering from work-related mental disorders caused by “bullying and harassment”. These policies help define those terms and reflect the growing concern about bullying and harassment in the workplace. The impact of these policies is likely to extend beyond WorkSafeBC and the Workers’ Compensation Tribunal, and influence the standard of care for employers in human rights and civil cases involving workplace bullying and harassment.

The major takeaway is that employers of all sizes will be required to develop and implement a policy statement, reporting procedures, and investigation procedures by November 1, 2013 and thereafter prepare and provide appropriate training to employees. For more information or for assistance in preparing appropriate policies and procedures for your workplace, please do not hesitate to contact us.

For more information please contact a member of our Labour and Employment Group.

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