

# visions

Vol. 15 No. 4 **2020**

## workplace bullying and harassment

when is enough  
enough?



workplace bullying:  
not part of the job

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## visions

Published quarterly, *Visions* is a national award-winning journal that provides a forum for the voices of people experiencing a mental health or substance use problem, their family and friends, and service providers in BC. It creates a place where many perspectives on mental health and substance use issues can be heard. *Visions* is produced by the BC Partners for Mental Health and Substance Use Information and funded by BC Mental Health and Substance Use Services, a program of the Provincial Health Services Authority.

<b>editorial board</b>	Representatives from each BC Partners member agency, guest editor, and external members Kristy Bjarnason, Naleena Gounder, Tina Marten, Jessica Martens
<b>editor-in-chief</b>	Sarah Hamid-Balma
<b>substantive editor</b>	Jillian Shoichet
<b>layout</b>	Justyna Krol
<b>issn</b>	1490-2494

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*We would like to acknowledge that the coordination and production of this issue of Visions Journal took place on traditional unceded Coast Salish territory.*

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## contact us

**mail** c/o 905 - 1130 West Pender Street,  
Vancouver, BC V6E 4A4  
**phone** 1-800-661-2121 or 604-669-7600  
**fax** 604-688-3236  
**email** [bcpartners@heretohelp.bc.ca](mailto:bcpartners@heretohelp.bc.ca)  
**twitter** @heretohelpbc



# visions

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**“Addiction, Wellness and Language,”  
Visions Journal, 15(2), pp. 8-10.****From a reader:**

You say “our language around addiction is often negative” but isn’t that reasonable when addicts so often exhibit negative behaviour? Family members who are stolen from or threatened aren’t trying to be prejudiced; they have valid fears. Using different language doesn’t reduce those.

**From the writer:**

You make some very valid points. I actually agree that changing the language around substance use alone does not necessarily change the attitudes that cause stigma. That being said, stigmatizing language can block dialogue and can perpetuate ideas that harm substance users and prevent them from getting the support they need. Changing the language can be a step in the right direction.

Negative behaviours accompany substance use by some people, and these negative behaviours create a lot of harm. I know this first hand—my ex-partner, who I lived with for three years, was addicted to meth and engaged in such behaviours. Nonetheless, many people use psychoactive substances without engaging in behaviours that harm others.

Like me, you have experienced the harm of antisocial behaviour in the context of substance use. I believe, however, that overly generalized assumptions and stigmatizing language, rather than helping, can lead to more harm. To avoid the harm, we need to focus on addressing the negative behaviours without assuming all substance use involves such behaviour. All the best in your own journey.

—Gaelle Nicolussi Rossi

## editor’s message

Bullying and harassment are two ways to dismantle civility and respect at work. Bullying is repeated, unwelcome behaviour that humiliates, demeans or intimidates. Intent doesn’t matter.<sup>1</sup> Bullying is hurtful because it’s so unavoidable and so personal. If the basis for bullying is a personal characteristic protected by human rights (such as race, disability, gender and other grounds listed on page 36), then it’s a type of discrimination that’s called harassment and it’s against the law. If it’s not on human rights grounds, it’s still not allowed under WorkSafeBC policy. Bullying and harassment not only create a host of psychological hazards for victims, witnesses and teams—as you’ll read—but it can endanger physical safety, too: directly (via distraction) and indirectly (via suicide).

I once had an employee disclose concerning behaviour to me from a team member at another organization. It had been going on for a long time, and the employee didn’t even call it bullying, but it met all the tests. There was a long list of instances of undermining, belittling and verbal aggression. My employee had tried to brush it off, but it was starting to take a huge toll on their well-being. I felt awful; it was so easy to see the signs—in hindsight. But bullies don’t all fit the same mold: they can be charismatic, they may have different styles with different people. I think many people who bully or harass do it unintentionally, and if they’re called on it and see the impact, will take care to not do it again. But a sizeable minority will disagree that they’ve done anything wrong—they may even argue their behaviour is necessary in order to support teams or work. The bully in this case was such a person. Thankfully my employee disclosed, the bully’s supervisor and I believed them and the bully was quickly out of their life.

This issue of Visions was planned, written and edited before COVID-19 upended our lives. Yet the pandemic has reminded us of the importance of social interaction, of which groups have more power and privilege, and of how our behaviours affect not only us but people around us. Those of us who are fortunate enough to still be working are also having to work differently. When we’re separated by plexiglass, phones or videoconference, it’s more apparent than ever that how we treat each other matters. Sometimes it’s all that comes across. ▼



Sarah Hamid-Balma

*Sarah is Visions Editor and Director of Mental Health Promotion at the Canadian Mental Health Association’s BC Division*

# A Modern-Day Approach to Addressing Violence, Bullying and Harassment in the Workplace

Sheila Moir

The BC Federation of Labour represents more than 500,000 union members, in every area of the British Columbia economy. The federation is recognized by the Workers' Compensation Board (WCB) and the BC government as a major stakeholder in advocating for the health and safety of all workers in BC.



*Sheila is currently the Occupational Health and Safety (OHS) Director at the BC Federation of Labour. She has been involved in occupational health and safety for more than 20 years and started the BC Federation of Labour OHS Centre in 2002. She also spent five years as the Health and Safety Officer at the British Columbia Government and Services Employees Union. Sheila has spent her OHS career representing the interests of workers*

Workplace violence and bullying and harassment are on the rise at an alarming rate in British Columbia. According to the WCB, worker reports of bullying and harassment increased from 803 in 2015 to 845 in 2018. Bullying and harassment general inquiries were 2,527 in 2015 and 3,585 in 2018.<sup>1</sup>

Incidents of workplace violence have led to disabling physical and psychological injuries and illnesses, especially in occupations held by our members. The effective prevention of workplace violence has become a key focus of the federation.

Workplace violence is largely misunderstood by employers and workers. It is often associated only with physical assaults or threats of violence. This leaves other forms of workplace violence—like bullying and harassment—frequently accepted as “normal” in the workplace and therefore significantly under-reported and unaddressed. The prevention of workplace bullying and harassment is often unenforced.

## **Outdated legislation and language need updates**

The regulatory framework for violence prevention in BC is complicated

because we have two regulations that deal with the prevention of workplace violence and a policy that deals with preventing bullying and harassment. Each has its own separate definitions and requirements for prevention.

The Workplace Conduct Regulation deals with preventing incidents of violence between co-workers. This regulation defines violence as “improper activity or behaviour” and describes it as “the attempted or actual exercise by a worker towards another worker of any physical force so as to cause injury, and includes any threatening statement or behaviour which give the worker reasonable cause to believe he or she is at risk of injury.”

The Violence in the Workplace Regulation sets out the requirements for employers to prevent violence. It defines violence in the same way as the Workplace Conduct Regulation but allows that “a person other than a worker” may be the person exhibiting the prohibited behaviour. This would include, for example, any person who receives services, such as patients, clients, residents, students or members of the public.

In July 2012, the Workers Compensation Act was amended to include mental disorder injuries caused by significant work-related stressors, including bullying and harassment. This legislative change meant that bullying and harassment were recognized as a workplace hazard.<sup>2</sup>

In 2013, the WCB introduced a policy to prevent bullying and harassment in the workplace. The policy defined bullying and harassment as “any inappropriate conduct or comment



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Unions recognize the drastic impacts of workplace violence and bullying and harassment on workers and their families, co-workers and employers. International research draws links between psychosocial risks, such as violence and harassment, and poor health and well-being.

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 and excludes any reasonable action taken by an employer or supervisor relating to the management of workers.”

A recent International Labour Organization report noted that although definitions of violence vary across jurisdictions and countries, a review of the literature suggests that various manifestations of violence are part of a continuum, and that for this reason, the concept of violence should be construed broadly.<sup>3</sup> To prevent the full continuum of violent behaviours, the federation and our affiliates

have proposed to the WCB and to government that BC needs to unify the requirements under one holistic regulatory approach.

The WCB agreed this year to conduct a full and comprehensive review of the violence prevention and bullying and harassment regulatory requirements. This is an opportunity for all stakeholders to provide input in order to help update the legislation and more effectively prevent workplace violence.

Unions recognize the drastic impacts of workplace violence and bullying and harassment on workers and their families, co-workers and employers.

International research draws links between psychosocial risks, such as violence and harassment, and poor health and well-being. Scholars have also found links between violence in the workplace and performance-related outcomes such as absenteeism, work ability and job satisfaction.<sup>3</sup>

The WCB has seen a steady increase in numbers of reported mental disorder injury claims, with a total of 4,404 in 2018.<sup>1</sup> Mental disorder injuries are psychological or psychiatric diagnoses that occur in the course of employment, and can include conditions such as post-traumatic stress disorder (PTSD), anxiety and depression, alcohol and substance use and eating disorders. Most of the claims for mental disorder injury are from the health care and community social services sector. The fields of transportation, education, retail, hospitality and other public services also see high numbers of mental disorder injury.

In 2018, the BC government took a positive step when it added mental disorder injury presumption for correctional officers, emergency medical assistants, firefighters, police officers and sheriffs. This means that when someone in one of these eligible occupations receives a formal diagnosis of a mental disorder injury as a result of a work-related traumatic event, it is easier to qualify for a compensation claim. The presumptive recognition reduces the stigma of mental health disorders, encouraging workers to report their injuries and to seek help. In early 2019, the presumption was expanded to include nurses, healthcare aides, wildland firefighters and dispatchers.

### The future of prevention

The approach to preventing workplace violence must be comprehensive. We must begin with the ongoing education of all workers and employers to establish a better understanding of the full spectrum of workplace violence, including bullying and harassment. We must also take a modern approach to regulation. We need a single definition that includes all types of workplace violence and we need a regulatory framework that clearly states the obligations of all parties, encourages workers to report incidences of violence and ensures that these reports are taken seriously by the employer.

The BC Federation of Labour's Health and Safety Centre, funded by the WCB, offers employers and employees health and safety education on the prevention of violence, bullying and harassment, as well as two courses, the CSA National Standard of Canada for Psychological Health and Safety in the Workplace and Mental Health First Aid. These courses are popular, indicating that there is a real desire for employers and workers to understand bullying and harassment in their workplaces. Better understanding reduces stigma and creates opportunities for organizations to identify factors that contribute to workplace violence and ways to move towards solutions. Unions have also negotiated collective agreement language to provide supports for workers who are experiencing intimate partner violence (which can have an impact in the workplace as well). They have also crafted language to support organizations' occupational health and safety committees to develop policies, procedures and investigative tools for

preventing workplace violence. Workers deserve workplaces that are free from all forms of workplace violence, including bullying and harassment. Employers have responsibilities to implement prevention programs in consultation with joint health and safety committees. Applying the fundamentals of health and safety prevention by identifying contributing factors, conducting risk assessments and implementing corrective measures will provide safer workplaces for all workers. ▾

# WorkSafeBC and Bullying and Harassment

Kira J. Berntson, BEng, MPsych

Bullying in the workplace is a serious health and safety issue. Anyone who has experienced or witnessed bullying in the workplace knows that it impacts everyone who experiences or witnesses it.

*Kira is the Prevention Field Services Manager responsible for psychological safety at WorkSafeBC. She has degrees in engineering and psychology, and has worked in health and safety for over 20 years. She is based in Kelowna*



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It can impact psychological health, leading to increased time away from work, long-term anxiety or other psychological diagnoses and even self-harm or suicide. Often overlooked are the impacts on physical safety in the workplace, whether from the distraction caused by the bullying itself, or as a result of “practical jokes” played on the target.

In 2012, a Canada-wide survey found that 45% of workers experienced being bullied at work at some time in their career.<sup>1</sup> Of these, only one of every three people who experienced bullying at work reported the bullying incident to their employer, and 26% of workers who were bullied eventually left their jobs because of the bullying. It is important not only that employees report bullying but that the employer

investigates any reports received. When bullying in the workplace isn’t addressed, it almost always continues and escalates. This is one reason that employers must take bullying seriously and take steps to address it.

WorkSafeBC now has three policies that outline the responsibilities of employers, workers and supervisors in preventing bullying and harassment in the workplace, as mandated under part 3 of the *Workers Compensation Act*. These policies define bullying and harassment as conduct towards a worker that the person “knew or reasonably ought to have known would cause that worker to be humiliated or intimidated.”<sup>2</sup> The definition specifically excludes reasonable actions by a supervisor or employer in direction of work.

Some actions are clearly bullying, while others may or may not be considered bullying, depending on an individual's personal history, existing interpersonal relationships and other factors. It is very important that everyone involved meets their obligations under the *Workers Compensation Act* and related policies.

For employers, meeting responsibilities includes:

- Taking steps to prevent bullying where possible, and otherwise to minimize it
- Having clear policies and procedures around bullying, including reporting and investigating
- Implementing the policies and procedures
- Reviewing the policies and procedures at least annually to ensure they are effective
- Training workers and supervisors to recognize and respond appropriately to bullying and harassment

Workers have a responsibility to report bullying or harassment to their employer when they experience or witness it. All members of the organization and all employees have a responsibility to not engage in bullying or harassing behaviour and to follow the company's policies.

WorkSafeBC Prevention Services takes a three-fold approach to making sure obligations under the *Workers Compensation Act* and related regulations and policies are met: education, consultation and enforcement. For bullying and harassment prevention, WorkSafeBC plays two roles:

- We engage in education and consultation, providing tools, information and resources for workers and employers. This is done through outreach, presentations, the Prevention Information Line, and through a variety of templates, posters, videos and resources, all available at [www.worksafefbc.com](http://www.worksafefbc.com)
- We also engage in enforcement, holding individuals and organizations accountable for their responsibilities under the *Workers Compensation Act*. This means ensuring that employers have policies, procedures and training for bullying and harassment prevention. It also means ensuring that employers take steps to investigate and respond appropriately when the potential for bullying in the workplace comes to their attention. Within WorkSafeBC, a dedicated team of officers responds to enquiries and complaints of bullying and harassment

WorkSafeBC Prevention Field Services holds employers responsible for taking steps to address bullying, including conducting a fair and impartial investigation into reported incidences of bullying, as well as other obligations. We verify whether steps were taken to ensure that the investigation was conducted fairly, confidentially and impartially, and that the organization developed and implemented appropriate corrective actions.

Since its bullying and harassment policies were introduced in 2013, WorkSafeBC has received, on average, 800 specific complaints each year. This number has gradually increased,

and over one thousand complaints were received in 2019. Each year, WorkSafeBC's Prevention Information Line receives over 3000 phone calls related to bullying and harassment information requests.

Today, most jurisdictions in Canada have legislation on preventing workplace bullying and violence. The federal Bill C-65 is expected to come into force in 2020, providing protection to workers in federally regulated industries across Canada. WorkSafeBC is currently working on a regulatory review project to ensure that our provincial legislation on bullying and harassment is as clear and effective as possible.

For more information on the prevention of bullying and harassment in the workplace, call the WorkSafeBC Prevention Information Line at 1-888-621-7233. ▼

#### related resource

This article focuses on the occupational health and safety aspects of bullying and harassment handled by Prevention Services at WorkSafeBC. For information on claims, please contact the Claims Call Centre/Teleclaim at 1-888-967-5377, or visit the WorkSafeBC website at [www.worksafefbc.com](http://www.worksafefbc.com)

# Workplace Bullying

## NOT PART OF THE JOB

Loraleigh Keashly, PhD

From time to time, we all experience challenging situations with someone at work: we disagree strongly, we are told that what we did was not up to snuff, we have to do work that we don't like, we sometimes work with a person we don't like or have little in common with. These can be challenging yet we can manage, and work gets done.

*Loraleigh is a professor of communication and Distinguished Service Professor at Wayne State University in Detroit. Her research and consulting focus on understanding and addressing workplace bullying. She is interested in bystander efficacy to address negative work relationships and build constructive ones. For more on her work, visit [www.comm.wayne.edu/profile.php?id=103677](http://www.comm.wayne.edu/profile.php?id=103677)*



Photo credit: AndreyPopov at ©iStockphoto.com

Bullying goes way beyond these situations. Bullying is repeated and persistent hostility that is directed by one person at another and that is harmful. If it is not addressed, it creates a hostile work environment.<sup>1,2</sup>

If there is more than one bully, we call it mobbing (ganging up). Bullying can be done face to face or through email and social media (cyberbullying).<sup>3</sup> Bullying focuses on undermining and diminishing the other person through intimidating, demeaning, humiliating or isolating behaviour that never lets up. The behaviours may be subtle

(ignoring someone, talking behind another's back, withholding needed information) or overt (calling someone a derogatory name, interrupting them constantly, or damaging their work).

Bullying often begins with slights that are hard to identify as deliberate.<sup>4</sup> People question themselves as to whether they are overreacting to the everyday "little hurts" of people being together. However, bullying progresses over time with more frequent and severe behaviour.<sup>5</sup> It is in the pattern and progression of behaviour that bullying is revealed.<sup>1,2</sup> The

relentless nature of these behaviours wears a person down, undermining their ability to cope.

### The size and scope of the problem

In any 12-month period, approximately 10% of people identify as being bullied at work.<sup>2</sup> When we ask people about their experiences with bullying in their entire working experience over time, the numbers triple to 30%.<sup>6</sup> Approximately 30% of workers say they have witnessed co-workers being bullied. If we consider these statistics together, over half of Canadians will have some exposure to bullying during their working careers. This means that, in a labour force of 18.8 million workers in 2018, approximately 11 million workers have had some experience with workplace bullying.<sup>7</sup> The odds are that someone you work with, or even you, have experienced bullying or witnessed bullying firsthand.

### Who does what to whom

Bullying is most often “top down” (a boss or supervisor is the bully) or peer-to-peer (your co-worker is a bully).<sup>2</sup> The target of the bully’s attentions is often “different” in some way, and that difference is viewed by the bully as a threat to them and their view of “how things should be.”

For example, women, people of racial or ethnic minorities, LGBTQA2S+ and people with disabilities report higher rates of bullying. Sometimes people are bullied because they are very good at their job. The bully may feel threatened by this success and attempt—by bullying—to diminish the other. Sometimes a person is bullied because they are seen as an “easy target,” perhaps shy and quiet and thus unlikely to fight back. Or the bully’s target may be

While bullying may start as one person mistreating another, its effects can spiral, pulling in others, and the workplace becomes increasingly hostile and toxic. People leave, people suffer in silence, people do poor work, people lash out, people sue, units fail.

someone who persistently questions decisions or is “grumpy”; bullying them is “justified” because they are annoying. At its essence, bullying is a way of asserting control and power.<sup>2</sup>

### From one to many: Ripple effects

Everyone is hurt when bullying occurs:<sup>2</sup> the person targeted, those who love and support them, the co-workers who see it happening, the work unit and the company. The person targeted will show signs of physical stress such as headaches, sickness or sleeplessness and psychological stress and strain such as anxiety, depression and, in long-standing, severe cases, post-traumatic stress disorder (PTSD). Sometimes, victims become angry and hostile and may become violent.

When someone is bullied, they often go over and over the experience in their mind, becoming distracted and worried. As a result, the quality of their work suffers, which affects everyone in the unit, as co-workers have to pick up the slack. Victims will often tell others about their experiences, most frequently family and friends. While the person receives support, family and friends experience distress watching a loved one suffer and not being able to change

the situation, which in turn can make social and family life strained and difficult.

Often, in an effort to manage their stress, victims turn to alcohol and other substances,<sup>8</sup> further affecting their work and disrupting their relationships with others at work and at home. Those who witness the mistreatment of their co-workers show similar effects, often becoming fearful that they will be the bully’s next target, and their own work suffers. Sometimes they direct their fear towards the victim, blaming them for the disruption and stress. Thus, while bullying may start as one person mistreating another, its effects can spiral, pulling in others, and the workplace becomes increasingly hostile and toxic. People leave, people suffer in silence, people do poor work, people lash out, people sue, units fail. When bullying is present, everyone—including the employer—pays the price.

### What’s the company got to do with it?

Company culture can enable or support bullying.<sup>9</sup> For example, bullying is more likely to occur in highly competitive work environments, where resources are tight, or status is based on accomplishment.

These environments pit workers against each other. Being aggressive is viewed as a means of survival and of getting ahead. Work environments that have no policies about workplace conduct, or that do not enforce the policies they have, create situations in which there are no consequences for bad behaviour. The message is that bullying is “just part of the job” and “if you can’t stand the heat, get out of the kitchen.”

Let me be clear: Bullying is not part of the job. Bullying is a sign of a dysfunctional workplace.

### Taking action: policies and community

Given the human and organizational costs of bullying, it is critical that bullying not be allowed to take hold. Policies are important as formal statements of who we are as a company, what constitutes constructive and safe work engagement and, thus, appropriate behaviour, and the cost of breaking the rules. Everyone needs to be educated about the policy and expectations of the organization. Further, policies must be implemented effectively and consistently in order to be taken seriously. WorkSafeBC has tools and resources for developing policies and training to support them.<sup>10</sup>

There are limits to policies. They rely on people reporting incidences of bullying, and reporting can be risky. Individuals may fear the bully’s retaliation or they may fear that the company will do nothing to stop the bullying behaviour.<sup>11</sup> The fear of nothing being done is quite real. A 2018 survey by Forum Research found that only one of every three employers took action when bullying was reported.<sup>6</sup>

Further, to be “reportable,” conduct must exceed a “threshold” of severe and pervasive behaviour. This threshold is set by the company policy. Yet because bullying often starts out as “little hurts,” and a pattern becomes clear only over time—bullying may not be reported until the damage is already severe. What could be early warnings may be viewed as “not serious enough” to report. Yet these “not serious enough” incidences still hurt—and they may be the precursor to very damaging behaviours. So, what else should be done?

The work community needs to respond. We know that bullying behaviours often have witnesses. These “bystanders” are in a position to offer immediate and longer-term care—and often do.<sup>11</sup> Building people’s skills and confidence to “see something, say something, do something” is impor-

tant to address bullying behaviours before they take hold.<sup>12</sup>

People need to know that when they do take action, the company will back them up. Thus, employers need to consistently communicate support and provide resources for employee action. More broadly, it is through our responses to both bad and good behaviours that we communicate what we want our workplaces to look like.<sup>13</sup> If we believe that work and workplaces should be respectful and healthy, then it is everyone’s responsibility to create and maintain an inclusive, respectful and constructive work culture. Such cultures are antithetical to bullying. Such cultures are productive and creative. These companies and their employees thrive.

Bullying hurts everyone, inside and outside the workplace. But bullying can be prevented. Collaborative efforts by employers and employees to envision, support and manifest respectful workplaces are the key to creating cultures that do not allow the bully and bullying to flourish. ▼

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# Workplace Bullying Law Reform in BC

## FROM 2007 TO 2019

Diane Rodgers

BullyFreeBC began as a Vancouver-based community group of concerned individuals and non-profit program directors who met in September 2007 to discuss workplace bullying and law reform in BC. We were encouraged by a law reform trend that started in Sweden in 1993<sup>1</sup> and continued in the UK.<sup>2</sup>



*Diane Rodgers is an organizer and the project coordinator for BullyFreeBC, a member-funded non-profit, active since 2007, advocating for workplace safety, harassment-free communities and shared respect for human rights in British Columbia*

In 2003, Quebec amended its labour code and other statutes to create the first legislation in North America to legally define and ban psychological harassment in the workplace.<sup>3</sup> In 2007, Saskatchewan expanded its *Occupational Health and Safety Act* to include “personal harassment.”<sup>4</sup> Consensus was growing internationally and elsewhere in Canada that some form of legislation was needed to require civilized conduct in workplaces, although different jurisdictions took different approaches to reform.

Everyone attending that first meeting of BullyFreeBC in September 2007 already recognized that the problem of workplace bullying was widespread,

serious and complicated to fix. The question was what we could do about it and how soon protections could be put in place. From the beginning, we focused on drafting workplace bullying legislation for BC to create incentives and real consequences for abusive misconduct in the workplace.

We met in the Vancouver constituency office of then Liberal MLA Lorne Mayencourt. In 2006, Lorne had introduced a bill in the Legislative Assembly—the *Safe Schools Act*—intended to protect school children in BC from bullying. Although the bill never became provincial law, he continued to work to address concerns about bullying and harassment.

I had gone to Lorne's office in August 2007 as a concerned member of the public to ask for provincial action on the issue of workplace bullying. After witnessing and experiencing many situations of abusive use of power in the workplace, with its damaging consequences to people, organizations and standards of decency, I knew I could help with the research and work needed for community action. Lorne agreed to collaborate to draft legislation that would establish anti-bullying protections in workplaces if I would help organize the project group and provide background material.

The group's early discussions focused on how to define the issue. Should we draft completely new legislation, or was it possible to amend existing legislation to address bullying behaviours? And what remedies might be effective?

We wanted to begin drafting a bill as soon as possible so that we could present it to the provincial legislature and start the process of legislative reform. At this point, with several jurisdictions in Canada and around the world having already enacted workplace bullying legislation, and others considering how to do so, there was momentum to establish provincial statutory solutions. The time was right to begin this discussion in BC.

### Education before legislation

From the start, we recognized a need for increased public awareness. Workplace bullying was a new idea for many people, and in our experience, the response to the phenomenon was not always sympathetic. Examples of workplace bullying—including stories of workers being yelled at, picked on, teased or treated unfairly—were

sometimes met with a dismissive attitude by the general public. A common refrain was that bullying only happens to children, and that adults should be able to handle their own problems at work without bothering others for help. In the absence of legislation and any expectation of standards for conduct, project group members found that such views were often typical of organizational leadership.

Yet research in Europe—done as far back as the 1980s—was showing that people who are targeted for this type of mistreatment (known as “mobbing” in Europe, or the bullying of an individual by a group) experience life-altering harm. Studies done by European psychologist Heinz Leymann in the 1990s suggest that 10-15% of all adult suicides in Sweden can be attributed to workplace mobbing, which Leymann also describes as “psychic terror.”<sup>5</sup>

As we became increasingly aware of the severity and complexity of the problem, BullyFreeBC organizers realized that we needed to expand the dialogue before attempting to draft legislation. Initial participants, including leadership from the BC Human Rights Coalition and the People's Law School as well as local ethics and victim services advocates, sent out invitations to colleagues and other contacts to participate in the discussion. We also invited various workplace experts and professional association organizers to join the project. Among the new participants were psychologists, mediators, human resource managers, justice advocates, policy analysts, union researchers, occupational health and safety experts, lawyers, members of the clergy and educators. As the group grew, the discussion became more dynamic.

In April 2008, we launched a public awareness campaign in the provincial legislature, including a private members' statement by Lorne Mayencourt.<sup>6</sup> With sponsorship from Work-SafeBC, the group (now numbering more than 80 members) gathered in May 2008 for a one-day conference at the Wosk Centre for Dialogue in Vancouver. The event included break-out sessions and a variety of speakers. At the end of the day, participants all agreed that law reform and awareness were both necessary to effectively address the problem and that we still needed more study and discussion before we could begin to draft effective legislation.

### The legislative options

The participants who gathered at the dialogue event continued to meet in the fall of 2008 and into 2009 to share views and discuss legislative options. At the time, there were three pieces of BC legislation that could potentially be amended to address workplace bullying: the Human Rights Code, the Employment Standards Act and the Workers Compensation Act.

Human rights are protected in BC under the Human Rights Code. Initially, this looked like a good fit for bullying protections. But we eliminated it from consideration for two reasons: first, the Code deals with rights violations in a variety of situations, including tenancy and services as well as employment. It would have been difficult to expand just the employment section. Secondly, the Code protections are narrowly defined to address harm from discrimination on specific protected grounds, such as religion and gender. The Code is not designed to offer general provisions for fair treatment, standards of conduct and respect in the workplace.

We also considered amending the existing *Employment Standards Act* to address bullying and harassment. However, that legislation has a limited mandate, providing a framework for enforcing standards of compliance (holiday wages, hours of work), not conduct. The BullyFreeBC group also felt that those responsible for the administration of the *Employment Standards Act* may not be able to assess situations of bullying and abuse of employees.

Finally, we considered the *Workers Compensation Act* in conjunction with occupational health and safety regulations. The purpose of that legislation and the regulations, and the policies and procedures based on them, is to take care of BC employees who are injured on the job, to prevent injuries to employees working in BC and to help family members of those injured or killed on the job. Initially this also seemed to be a good fit for workplace bullying protections. But ultimately, we rejected this platform as well because it addresses only physical and mental injuries, not injuries to dignity, reputation or career. We believed that the protections required against bullying were too different from the protections in the *Workers Compensation Act* for that legislation to be a viable platform for a law reform initiative.

With well-reasoned grounds for rejecting the idea of expanding any of the three existing legislative platforms, BullyFreeBC began discussions and consultations to craft a stand-alone bill for BC workplace bullying legislation.

### An unexpected change in circumstances

However, in April 2009, in the midst of our consultations, a BC Court

of Appeals decision resulted in a legislative response that would have far-reaching repercussions for our law reform options.<sup>7,8</sup> The case was an appeal of a decision that denied benefits to a worker who suffered an accumulating stress-related mental injury on the job. The appeal decision went against the Workers' Compensation Board, which was then required to extend benefits to people who suffer a mental injury due to ongoing stress in the workplace.

The critical factor in the decision for our law reform initiative was this: the expanded benefits would apply to workers suffering stress due to workplace bullying and harassment. Consequently, WorkSafeBC became the provincial agency responsible for introducing workplace bullying protections, and occupational health and safety became the platform for reform discussions in BC.

In 2010, in advance of the amendments to the Workers Compensation Act, BullyFreeBC received a grant from the Law Foundation of BC through the BC Human Rights Coalition to compile information on workplace bullying, focusing on existing provincial, national and international protections through legislation, with original research papers and policy and procedure resources. We distributed these materials in the form of an e-binder to policy analysts and law-makers for review. In 2012, after the first reading of the new legislation<sup>9</sup> and before it was passed into law, BullyFreeBC organized another one-day conference for workplace professionals from law, psychology, human resources and other fields who were engaged in anti-bullying activities so that they

could share information and advice on implementing the new legislation.

In the years since the law came into effect, BullyFreeBC has been monitoring the roll-out of policies, procedures and coverage under WorkSafeBC, and submitting research and opinions when opportunities arise. We continue to monitor progress, share information and advocate for specific workplace bullying legislation in BC<sup>10,11</sup> to support comprehensive regulations and policies, as well as remedies for all targets of bullying, not just those who suffer a diagnosed mental injury.

Further court decisions and appeals will no doubt identify gaps in the framework of protections currently available through WorkSafeBC, suggesting directions for law reform. Meanwhile, BullyFreeBC encourages policy changes within the current delivery system, with a recommended first step of requiring that workplace service providers who offer bullying interventions be certified and regulated. Until we have comprehensive protections, this will provide an interim step of ensuring some level of competence, accountability and safeguards against harm in complicated and potentially dangerous situations. ▽

# Unwelcome Intrusions

A CLINICAL COUNSELLOR'S PERSONAL AND PROFESSIONAL EXPERIENCE ADDRESSING WORKPLACE BULLYING AND HARASSMENT

Rita Schnarr, MA, RCC

*Knock knock.*

*"Who's there?"*

*"It's Joe.\* Can I come in for a night cap?"*

*Rita is a registered clinical counsellor and a consultant for Anxiety Canada. She specializes in treating anxiety disorders, mood disorders and workplace difficulties. As a contributor for the Anxiety Canada MindShift CBT app, she also facilitates the adult group online treatment program nationwide.*

*You can contact Rita at [schnarrcounselling@gmail.com](mailto:schnarrcounselling@gmail.com)*

*\*pseudonym*



Rita Schnarr

When I heard the knocking on my hotel room door late that night, I was horrified—but not surprised—to find the Sales Training Manager standing there with a bottle of wine in hand—especially after I had just told him to leave me alone when he repeatedly called my room asking if he could see me because he was “lonely.”

That entire training conference was horrendous. I endured continuous stalking and sexual harassment by

Joe, both in and out of sessions. I was a young sales representative at the time, and it was humiliating to be targeted by a mature and well-respected manager. This unwelcome intrusion made me feel powerless and completely disrespected.

Gossip increased after I missed the airport bus transfer. I found out later that Joe had given me a later pick-up time from the rest of the group so that he could take me in his own

car. While I was standing alone in the hotel lobby in great distress as I put this together, another manager realized what had happened and swiftly took me to the airport before Joe showed up. Luckily, the plane had been held for me; I literally flew away.

Upon returning back to what I thought was the safety of my Vancouver office, I was in for some more eye-opening disappointments. I met with my own direct manager and explained to him what had happened during the sales training camp.

His reaction and response were also disheartening when he asked, “Do you blame him given how cute you are?! Just ignore him.”

Time passed and Joe’s harassment of me continued, with his repeated phone calls at work increasing my anxiety and affecting my work performance. I decided that since my direct manager wasn’t going to help me, I needed to report the ongoing harassment to human resources. A few months later, I learned that Joe had taken an early retirement package. I was finally saved.

Fast forward 30 years: I am now a registered clinical counsellor specializing in workplace stressors. I have a private counselling practice and I work as a consultant for Anxiety Canada. One of my roles is to provide psychotherapy for clients seeking help for anxiety and depression as a result of workplace bullying and harassment.

When they first come to me, many of my clients are not sure what the difference is between being harassed

Time passed and Joe’s harassment of me continued, with his repeated phone calls at work increasing my anxiety and affecting my work performance. I decided that since my direct manager wasn’t going to help me, I needed to report the ongoing harassment to human resources.

and being bullied. Harassment is when bullying is on human rights–protected grounds (such as gender, race, sexual orientation, disability or religion). Workplace harassment can include interpersonal mistreatment such as disrespect, condescension, degradation, physical assault, sexual assault and threats of harm.<sup>1</sup>

Bullying is the same kind of conduct as harassment, but not in areas that are protected by human rights legislation. Like harassment, bullying is usually characterized as a pattern of behaviour. Generally, bullying takes the form of acts or verbal comments that could mentally hurt or isolate a person in the workplace and involves repeated incidents intended to intimidate, offend, degrade or humiliate a person or group. Bullying has also been described as the assertion of power through aggression.<sup>2</sup>

One of my clients, Jane,\* experienced harassment when the department and division heads embarked on targeted incrimination of her, letting her go without having grounds to substantiate the suspension. These leaders knew that their conduct would lead to the humiliation and intimidation of a senior worker, yet their behaviour

continued for more than two years. It became clear that they were trying to get her to quit so they could fill her position with someone else, a tactic they’d employed in the past.

The workplace bullying and harassment that Jane experienced resulted in a diagnosis of post-traumatic stress disorder (PTSD). She suffered from severe depression, had suicidal thoughts and experienced debilitating anxiety and panic attacks, which landed her in the hospital several times. Jane eventually had to go on sick leave and seek legal counsel. Because the complaint process is ongoing, the case continues to haunt my client.

Another client, Patrick,\* was bullied by his senior boss, who constantly gave him impossible deadlines, and seemed intent on setting him up to fail. He would withhold necessary information from Patrick, aiming to make him look incompetent, which ultimately made my client’s stress levels intolerable. When Patrick also became the centre of all the boss’s offensive jokes in meetings and in group emails, he had to take time off sick on a regular basis. As the bullying continued, he began to have excessive worry about multiple

situations. His generalized anxiety disorder symptoms also included sleep disturbance, difficulty concentrating, irritability, constant fatigue, restlessness and muscle tension.

Eventually, Patrick had to take a long-term disability leave that lasted for almost a year. Counselling approaches included cognitive-behavioural therapy, exposure therapy and mindfulness-based cognitive therapy to help him overcome the personal trauma he experienced as a result of the bullying. During this time, he submitted a successful claim for compensation since the anxiety was a direct cause of the workplace bullying. As a result, he was able to return to work better equipped with a range of newly acquired assertiveness skills in the event he needed to apply them in future.

Data from the 2016 Social Survey on Canadians at Work and Home found that overall, 19% of women and 13% of men reported they had experienced harassment in their workplace resulting in anxiety and panic disorders.<sup>1</sup> The 2012 Workplace Bullying survey of 552 full-time Canadian employees found 45% of respondents said they were bullied. The sources of the bullying were co-workers (24%), immediate bosses (23%), upper management (17%) and external (e.g., customers; 17%). But only one in three workers actually reported the bullying to their human resources departments.<sup>2</sup>

The study<sup>1</sup> on harassment in the Canadian workplace supports my clinical practice findings: according to the study, the most common type of workplace harassment experienced by employees in Canadian workplaces

was verbal abuse, with 13% of women and 10% of men reporting having experienced such abuse in the past year. The next common type of bullying experienced was humiliation, with 6% of women and 5% of men having experienced it, and 3% of both men and women having been threatened with humiliation. Women are also more likely to report sexual harassment (4%) than men (1%). More than half the women interviewed for the study were targeted by clients. Furthermore, more women in health occupations and unionized jobs reported being harassed workers.

The study also included information on sociodemographics. Among the 21% who experienced harassment were those with university education. Those earning less than \$40,000 per year reported being harassed more frequently than those who earned more than \$120,000 per year. Non-visible minorities were more likely to report harassment than were visible minorities (although it's important to note that simply because a group is more likely to report harassment does not necessarily mean that group is a more frequent target of harassment than another group). Married people are also less likely to experience or report workplace harassment than single or never-married workers.

If my clients are experiencing bullying, harassment or other unwelcome intrusions, I coach them to do the following:<sup>3</sup>

- Firmly tell the individual who is acting inappropriately that their behaviour is not acceptable and request that they stop (ask a supervisor or union member to

accompany you when approaching the individual if you are not comfortable doing so on your own)

- Keep a journal and note the number of instances of unwelcome behaviour, the frequency and the pattern. Include dates, times and details—and any witnesses to the behaviour
- Keep copies of any letters, emails, memos or texts from the individual
- Report the unwelcome behaviour to the person in your workplace who handles these kinds of complaints—your supervisor, your manager or a human resources representative

I also encourage clients to find helpful resources on psychological health and safety in the workplace at [www.myworkplacehealth.com](http://www.myworkplacehealth.com).

Workplace bullying and harassment are all-too-common experiences in Canadian work environments. The best way to combat workplace bullying and harassment is to develop the tools we need to stand up to the bully. When we do that, the bully loses some of the power to do us harm—but more important, we increase our capacity to deal with bullying and harassing behaviour and safeguard our mental well-being. ▼

# When Is Enough Enough?

## WHEN VERBAL ABUSE BECOMES THE NEW NORMAL

Elizabeth\*

Let's face it: working in lower-income neighbourhoods in the downtown core of a large urban centre isn't easy—for many reasons. Work teams are chronically understaffed and team members may deal with mental health issues and minimal resources and minimal funding. There may be frequent potentially conflict-charged interactions with clients, even with random visitors who walk through the workplace doors.



*Elizabeth works in an urban setting in BC*

*\*pseudonym*

For several months, I worked in one of the single-room occupancy buildings in a large city. Often our tenants received visitors who were on the edge of a mental health crisis. In those situations, even asking a simple check-in question like “What’s your name and who are you visiting?” can quickly escalate, with the visitor becoming aggressive or verbally abusive out of the blue.

At a particularly low point, my co-worker and I jokingly tallied the “bitch-asshole-cunt-goof” score for the day. We kept track of how many insults we received—for whatever reason—on a daily basis. Sarcasm and humour are coping mechanisms; without them, I would probably have

left my job in that environment a lot earlier.

Over time, daily exposure to that kind of violence meant that those sorts of unpredictable, aggressive interactions became “the small stuff” — the new normal for me. But this in itself is alarming, as it means I had come to expect abusive, aggressive behaviour at work. I had become numb to it! This should never be the norm!

But at one point, the hostile interactions became too much for me to accept. Though I come from a less-than-ideal family situation (and, because of that, have a thicker-than-usual skin), the amount of verbal

abuse, verbal aggression, name calling, threats and threatening gestures that I experienced at work were more than I have ever been exposed to—in my work life or my private life.

I can brush off many things. For example, if someone who usually is well behaved calls me a “bitch,” then I can accept they are having a rough day. I’m not excusing their behaviour; I’m just explaining why it is easier for me to understand where that person is at in a particular moment. It doesn’t necessarily have something to do with me; the individual lacks a good coping mechanism for expressing frustration.

And then there is the wide range of offensive and personal-boundary-crossing comments that I would get on a daily basis simply because I am female. Some of the following examples—from both clients and visitors—have made me feel very uncomfortable and even, on some occasions, have scared me. Some seem almost harmless, but some are shocking. One was particularly traumatizing as it triggered old, traumatic memories:

- “Do you want chocolate?” “No, thank you.” “Yeah, you are already sweet.”
- “I’ll buy you flowers when I get my cheque.”
- “You’ve got a beautiful smile.”
- “You look like you do a lot of

sports.” (said while staring at my butt)

- “Marry me.”
- “I’ll rape you in your sleep.”
- “I’ll throw acid in your face, bitch.”
- “I’ll bear spray you when you leave the building.”
- “My cousins will take care of you.”

Over time, the frequent workplace harassment and bullying resulted in my lower motivation in my professional role, a significant drop in my productivity and a higher number of sick days. At times, I was highly concerned about my own safety and the safety of co-workers and clients.

Bullying and emotionally traumatizing events at work can affect the health of employees in the field of mental health and addictions and other health care professions. This can show up in a variety of different ways at work. Most often, employees have difficulties managing boundaries between work and personal life; they may not have taken any recent vacation, they may be increasingly absent from work, they may experience increased cynicism, sarcasm, anger at clients and isolation or disengagement from the team. In severe cases, the employee may experience symptoms of post-traumatic stress disorder (PTSD), as well as intrusive thoughts and nightmares.

Other consequences can include an increase in the employee’s physical or psychological injuries, increased apathy and decreased pride in one’s work, a decrease in the employee’s ability or willingness to communicate and collaborate with colleagues and in the quality of services they provide, and an erosion of decision-making skills, motivation and performance. Ultimately, bullying and harassment at work can also lead to high rates of staff turnover.

### What are my responsibilities as an employee?

If you are in a position where you experience bullying and harassment at work, I cannot emphasize enough how important it is to document. Document, document and document your experiences as objectively as possible, even though that might be hard if you are in a situation where you feel scared and unsafe. After all, verbal threats are a form of violence.

Documenting experiences of bullying and harassment is important because our legal systems tend to emphasize the meaningfulness of written documentation. Essentially, if it isn’t written down, it didn’t happen. Shift reports and incident reports can be used in court and for other purposes (such as filing a claim with WorkSafeBC). Written reports also help co-workers and the organization assess risk and develop plans to address workplace violence and ensure the safety of staff and others.

The organization I worked for has in place a policy on discrimination, harassment and bullying in the workplace. According to this policy, the bullying and harassment that I’ve described above are examples of the type of incidents that need to be reported. While I

Documenting experiences of bullying and harassment is important because our legal systems tend to emphasize the meaningfulness of written documentation.

documented most of my experiences of harassment, I did let some slip by, even though I knew I should have documented them. But honestly, I only have a certain amount of energy available and as we often said in my workplace, “Pick your battles.” I just didn’t have the energy to document everything. But whenever I did have the energy, I documented the incident.

### The importance of self-care

One of the most important things we can do if we work in an environment where bullying and harassments are real risks of job is to take the time to really care for ourselves.

Ask yourself these questions: What happens when I’m at home and the work day sinks in? How do I de-compress? And how much from work do I actually carry home with me? Can I take care of myself well enough or do I perhaps need professional help to do so?

One thing is for sure: I can’t pour a cup for someone else when mine is empty. I can’t care for others properly if I haven’t first taken good care of myself. I have to step up my self-care game. I regularly check in with myself to see if my professional boundaries are still in place: Am I able to relate to the people I work with without being absorbed by their stories or what they tell me? Do I need to step back a little? Or get a bit closer?

Self-care has many faces. Something that works for me might not work for others. Over time, I’ve discovered that the best way for me to decompress is to exercise. I ride my bike to and from work every day. By the time I reach home at the end of the day, I

am usually able to let go of any of the stresses I’ve encountered. I’ve also figured out that healthy eating helps me a lot, as does spending time outside in nature. Very often, I practise yoga directly after work and this also helps me to feel better. But if it has been a really rough day, these practices are not always enough.

Because it can be hard to put energy into good self-care if I am feeling overwhelmed and stressed out, I find it incredibly helpful to maintain a certain amount of self-care every day—even on the “good days.” That way, when “bad days” occur, I feel prepared and more balanced.

Practising good self-care is a learning process and it takes time to find out what works well and what doesn’t. Being curious and open to trying something new is also important. Try new activities with friends and family members, be playful and engage with a caring community. A sense of connection, safety and sharing is crucial for well-being.

### When to seek professional help

Sometimes, it isn’t possible to always unburden ourselves with friends and family members. For example, most of my friends have chosen very different professions in different fields from me. When I talk with friends about my work stresses, they become increasingly concerned about my overall health and safety.

Over time, I realized that even the “shareable” parts of my job were very disturbing for them.

I didn’t want them to worry, so I stopped talking about work with

them altogether. When they asked how was I doing, I would just say, “Fine.” But I knew that I wasn’t really fine. That’s when I thought it was time to start seeing a counsellor.

Counselling has turned out to be a great option for me, for a variety of reasons. While my counsellor may worry about me, she doesn’t show it, so I can share my experiences without being concerned that I might cause her to worry. She is non-judgemental and approaches our appointments from a neutral point of view. Even though it is her job to help me to fix myself, she doesn’t jump to conclusions or make unrealistic suggestions; I have confidence that I can discuss my concerns with her on a deep emotional level.

### Exploring other employment options

Finally, I was fortunate that when I felt I had reached my personal limit and knew that I was no longer able to provide adequate, caring service in my role, a perfect position came up in another work environment.

Sometimes we may not notice immediately the negative impact of workplace bullying, harassment and violence. It’s important to reach out for help before the impact is too great. It’s also important to acknowledge when a particular employment situation has become too unhealthy—in other words, it’s important to know when it is time to leave one job and begin another. ▼

# Mind the Bar

## IN AN INDUSTRY WHERE THE CUSTOMER IS “ALWAYS RIGHT,” WHAT DO WE DO WHEN THE CUSTOMER IS WRONG?

Alex Black

For as long as I can remember, I've cherished the idea of being able to provide world-class service to the people who come into my workplace, to offer them a sense of escape from their daily lives and have them experience something transformative, if even for a moment. My entire adult life, for better or for worse, has been devoted to the pursuit of excellence in hospitality.

*Alex is an internationally award-winning bartender and leading authority on cocktails and spirits. He is also an instructor and serves on the board for the Science of Cocktails program. In 2018, Alex co-founded Mind the Bar, an organization that addresses mental health needs in the hospitality industry. You can reach him on social media: @blacktending*



Photo credit: Josh Neufeld @joshneufeldphoto

Alex Black

Among hospitality's ranks, I'm considered one of the lucky ones. I've had the privilege to work in some of Canada's most acclaimed bars and restaurants, I've worked alongside heavyweights in the national and international hospitality communities, I've collaborated with chefs who work in Michelin Star kitchens and have been showered with accolades from near and far. I don't say this to be boastful—far from it. I say it because it's important to acknowledge that my experience in hospitality is that of someone near the top of the hospitality world. I'm white, cisgendered, male and able-bodied. In short, my life in hospitality is as good as it gets. It's been much easier for me to climb the hospitality career

mountain than it has been for many others. I can only imagine the hardships experienced by those who aren't as privileged as I am.

Two years ago, I was inspired to help found Mind the Bar, a mental health service and resource centre for people who work in the hospitality sector.

“Why do cooks and bartenders need a mental health service?” I'm often asked this question when I bring up the topic of mental health in the hospitality industry, or my role with Mind the Bar. Often the person asking the question is just looking for an excuse to commandeer the conversation in a new direction—why other professions are

more valuable or more stressful or more deserving of mental health services. After all, why would anyone whose job it is to serve food need help managing stress? "It's not that we're necessarily worse off than anyone else," I often respond, choosing an answer that's difficult to argue with. "It's just that we have a unique set of problems."

### The view from behind the bar

There is no doubt that working in the hospitality industry comes with its own unique stressors.

The first time I stepped behind a bar, I was 16 years old, which is a long story in itself. I was working at an event space where, throughout the day, multiple competing gangs had patronized the event. These were the type of people who didn't have a great skill set when it came to respectful communication or dealing with situations not quite to their liking. This bred a worst-case scenario when it came to last call: threats to my physical well-being and the well-being of my co-workers became so concerning that the police were called in to calm the crowd while we stopped alcohol service.

Flash forward two decades, to a relatively normal night this past summer. I was alone behind the bar when a man stumbled in the door. He was clean-cut, decently dressed, showed no signs of vagrancy: shoes and fingernails passed the test. As a career bartender, I've developed the ability to sum up potential trouble quickly: I run through a checklist in my head to help determine the challenges I might be facing every time a customer walks in: Are they high? Are they drunk? Do they seem prone to aggression? Are they likely to harass the female guests or staff?

But on this occasion, my Spidey-sense was off. It was the tail-end of the night; I offered a pleasant hello and informed the man that last call had already come and gone and he'd have to look elsewhere for a drink. A moment later I was reeling from a solid left jab, and a haymaker of a right punch skimmed past my face: apparently, this news wasn't welcome to him. Once the dust settled, and as a restaurant full of onlookers stared, I took a deep breath and said, simply, "It's been a while since someone's punched me in the face."

The man, realizing my staff outnumbered him, turned and stumbled out the door. I went back to mixing drinks.

I have a treasure chest of stories of similar workplace violence and harassment, including stories of automatic weapons being seized by RCMP, foiling the plans of those who had planned to enter a nightclub I worked at. I've taught myself to laugh it off when a guest reaches over my bar at a high-end restaurant and rips open my shirt. I shrug and play it cool when someone grabs my package at a private event and implies it's a compliment. When a guest is so outright offended by the "feminine" nature of his glassware that he chooses to smash it on the ground, I put my head down and push through my shift. Every time I've been told my job is at risk because someone "knows the owner," I ignore it.

### The cost of violence and harassment

The hospitality industry is an industry with razor-thin profit margins, and most places can't afford to lose customers' money—even less-savoury customers' money. This has only esca-

lated in the digital age, as disgruntled guests fabricate their own version of events in their vitriolic online reviews intended to harm future business. In my career, one of the greatest tools I've developed is my stoicism: I tamp down my emotions, fake that smile and keep moving forward.

Those of us compelled to call hospitality our vocation—whether because of our passion for the craft, our masochism or something in between—have our rituals. One of the most cherished of these rituals is the post-shift drink, when cooks, servers, bartenders and other staff gather at a local establishment, lick our most recent wounds and turn to the most popular coping mechanism we have: booze. We share our battle stories over drinks, constantly one-upping one another. We fetishize the long hours and abuse we sometimes experience in the industry. We take pride in showing that we can handle it, that somehow, we're immune to the onslaught of degradation we're subjected to on any given night. It's just the way it's always been done.

I can put you in contact with friends and colleagues who've seen worse than I have, and those who haven't been as lucky as I have been. I can sit you down with bartending colleagues who have had to deal with an active shooter in their bar. I can put you in touch with a sommelier who was invited to partake in a pre-roofed bottle of wine that a guest had brought from home. I can introduce you to a friend who, instead of being punched, was stabbed when they attempted to interact with a guest who seemed uneasy. We all sit around and share

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## The Bakery Bully

Chelsea\*

I moved from Calgary, Alberta, to a small town in eastern British Columbia on April 1, 2017. Coincidentally, it was also my first day of sobriety: I had just stopped drinking alcohol.

*Chelsea has a diploma in human service and a certificate in recovery coaching and substance use interventions. She works with clients to hold interventions for loved ones. Her service dog, Winston, provides assistance for her generalized and social anxiety. She is currently working towards a degree in social work*

*\*pseudonym*



Photo credit: Cecillie\_Arcurs at ©iStockphoto.com

I took several months off to work on my recovery before re-entering the workforce. I took care of my mental health and built a foundation for mental and physical well-being. Since early childhood, I have lived with anxiety. In recovery, I began to do some very serious and hard work to minimize the impact of anxiety in my life. I felt stronger and stronger with each passing day, week and month. I began a job again in August of that year, just before I went back to school in September to begin courses in social work.

Like many jobs in rural BC, my job was a low-paying, hospitality-based service job. I opted to work for a small café business that provided locally made baked goods. I felt that working

in a small business in a small town would be ideal for me, as I was in recovery and focused on building up my mental well-being. I thought the business would offer a tight-knit, small-community feel—and a sense of teamwork and closeness.

I quickly learned that many people in the area had grown up together and had lived in the community most of their lives. Many had low-paying jobs and felt stuck, without the opportunity to obtain higher-paying jobs or advance their careers. I also learned that many people resented those of us who hadn't grown up in the community, especially people from Alberta because of the widespread belief that Alberta is prosperous.

About a month into the job, when my colleagues learned that I was going back to school in addition to working at the bakery full-time, I started to experience bullying. The bullying was inflicted primarily by the female store manager and one other female employee. I was yelled at for making mistakes that I hadn't made yet. For example, as I was cleaning something and stopped to wash out the cloth, I'd be yelled at for not finishing the job because I had paused to wash the rag. I was often sworn at for doing an order entry slightly differently from how the manager wanted it done, even though I'd still done it correctly. I was frequently yelled at in front of customers—for example, when I asked for additional help at the till when the customer line-up was long. I was even belittled and yelled at for being friendly and talking to the customers, even though it didn't affect my ability to ring customers through quickly.

Many other employees, all of whom were female, experienced similar bullying, but many of them felt powerless to stand up to it because they didn't want to jeopardize their livelihood when they had mortgages and families to support. We supported each other, but as the bullying progressed, the impact became more and more severe.

I finally brought the issue up to the owner and made note of some of my experiences in my performance review. One of the questions in the performance review was "Do you find it hard / easy to maintain a positive attitude in the workplace?" I answered that I tried really hard to stay positive and address customers

with a smile on my face but that I found it harder to do when I'm screamed at (sometimes in front of customers), sworn at and constantly belittled when I have done little or nothing wrong. But the owner literally shrugged off my comments and ignored the concerns I brought up in my performance review.

Unfortunately, however, many of my comments, which I had taken care to relay in a positive and professional way, were relayed to my manager, who then used them to continue to bully me. The bullying got progressively worse. My shifts were cancelled with less than 24 hours' notice and my manager would give me the silent treatment for days at a time—when I wasn't being screamed at or sworn at.

Over time, this treatment had a detrimental impact on my mental health. Because of my previous substance use and mental health issues, I had purposely worked on getting myself to the point where I wouldn't allow anything or anyone to negatively impact my mental health. I had honestly hoped that by addressing the bullying with the owner, the situation would improve, but it only made things worse.

But while the bullying increased my anxiety, now I knew what signs to look for: I recognized when I had to step away from the toxic situation. These signs included my increased anxiety, depression, decreased and poor-quality sleep, a decreased ability to focus and concentrate, brain fog, social isolation and physical symptoms such as stomach upset and decreased immunity.

Fortunately, I was in a financial position to quit and take a few weeks off while I found other employment. I feel like I am one of the lucky people; I didn't have to stay and deal with the ongoing bullying simply because I was financially strapped or had a family that relied on my income.

Many other people who worked there didn't have the same freedom, even though they were experiencing the same types of bullying that I experienced. They felt like they had to stay because they had no other financial resources or employment opportunities. People were afraid to leave their jobs because they needed the pay cheque or were afraid of repercussions if they spoke out about bullying behaviour. One or two employees spoke to the owner; he promised to address the situation with the bullies, yet he never did.

Many other employees, all of whom were female, experienced similar bullying, but many of them felt powerless to stand up to it because they didn't want to jeopardize their livelihood when they had mortgages and families to support.

Despite this, during my time at that particular small business, at least four other people quit because of bullying. These four people were good, hard workers; they would have been much harder to replace than the manager. It's difficult to find a manager who not only doesn't bully employees but ensures that other employees aren't bullies themselves. In hindsight, I think the owner may also have had issues with conflict and confrontation; he preferred to not address the

situation in the hope that it would go away.

I've been in the workforce for 25 years and unfortunately this isn't my first or even second experience being bullied or witnessing someone else being bullied. In my personal experience, bullying often happens in workplaces—by owners and managers or by co-workers because the owners or managers look the other way. Often the bully can hide behind policy that

maintains the status quo: management is often reluctant to fire people for being bullies, especially if bullying doesn't impact their other performance, and it takes time and effort to find new staff to replace the bully.

When I left my job, I went for about three weeks without work while I was looking for another job. But leaving the job was definitely the right choice for me. At the end of the day, I realized that everyone has their own set of issues, but it's not my place in this world to have to take on everyone's issues. My mental health is more important to me than that.

But I feel that it's important to share this story—to raise awareness about how common workplace bullying is—so that people who don't have the financial freedom to leave a toxic work situation and those who lack the self-esteem to make a workplace change know that they are not alone. Many of us have experienced being bullied at our jobs. Bullying doesn't stop when we graduate from the playground. It continues into adulthood, with the same negative consequences for the mental health and self-esteem of its victims. ▽



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# Coming Out at Work

## HOW TO PROMOTE TRANS-INCLUSIVE WORKPLACES

Robyn Hlatky, MA

Although the terms “gender” and “sex” are often mistakenly used interchangeably, these terms are distinct, and the difference is important to transgender individuals and for allies who want to support the trans community. Gender identity refers to a person’s internal sense of their own gender, whereas, in Western society, sex is assigned at birth by a medical professional. Moreover, the concept of biological sex (that is, what makes someone biologically “male” or “female”) is culturally, socially and historically determined and varies from culture to culture.<sup>1</sup>



*Robyn is a transgender woman and a PhD candidate in sociology at the University of Victoria, specializing in the history of transgender rights and activism in British Columbia. She currently works as a community researcher and a union disability advocate*

Photo credit: Gaëlle Nicolussi

Robyn Hlatky

The term “cisgender” refers to individuals whose gender identity matches the sex they were assigned at birth. The term “transgender” (often shortened to “trans”) describes individuals whose gender identity differs from the sex they were assigned at birth. “Trans” is an umbrella term that encompasses multiple gender identities, including trans men and trans women, non-binary people who do not identify with the gender binary of man or woman, and people who

identify with a mixture of masculinity and femininity, such as bigender and gender-fluid people.

### Discrimination against trans people

According to the largest survey of trans people to date, transgender individuals experience higher rates of discrimination than the general public in all areas of basic life, including employment, housing and healthcare, and in their family and personal lives.<sup>2</sup> In the past, trans people have been viewed as

I was also frequently misgendered at work. Several co-workers continued to call me “sir” and “man” and to use the pronouns “he” and “him,” even after I asked them to stop and explained why it was hurtful.

deviant and mentally ill and, up until the end of the 20th century, being openly trans often meant being fired from one’s workplace and likely losing family and friends.<sup>3</sup>

In Canada, Bill C-16, or *An Act to Amend the Human Rights Code* and the Criminal Code (which came into force in 2017), added gender identity and gender expression to the list of prohibited grounds of discrimination.<sup>4</sup> These grounds are also protected in British Columbia under the *Human Rights Code*.<sup>5</sup> While anti-discrimination laws signal that trans people deserve respect, they do not prevent discrimination from happening, nor do they address systemic inequality.<sup>6</sup>

“Transphobia” refers to negative attitudes and actions towards trans people. Transphobia occurs when cisgender identities are viewed as valid and natural, while trans identities are discredited as illegitimate and questionable.<sup>3</sup> Trans people experience higher rates of physical violence and aggression than cisgender populations, but they may also experience subtle forms of hostility and invalidation, which may be intentional or unconscious. For example, continuing to misgender a trans person (referring to them by the wrong gender) or using the birthname of a trans person after they have chosen a gender-affirming

name and informed others of their name is demeaning, and is a form of invalidation and harassment.

### My experience coming out at work

As a trans woman, I have experienced bullying and harassment in public and at work. When I started to transition, I decided to continue working in the same job. Some trans people inform their employer ahead of time about their decision to transition; this gives management an opportunity to educate staff members on ways to be supportive and respectful of trans people. But in my case, I didn’t have the opportunity to come out on my terms. Instead, I was outed by a co-worker: the individual began telling other colleagues without my consent before I was ready or prepared to inform people. I was mentally unprepared to deal with people’s reactions, which were largely negative.

I was frequently asked very personal and invasive questions that were inappropriate in the workplace. For example, multiple co-workers asked about my genitals, my sexual history and if I had plans for surgery. It is never acceptable to ask about someone’s genitals or sex life in the workplace. Asking these sorts of questions is a form of sexual harassment.

I was also frequently misgendered at work. Several co-workers continued to

call me “sir” and “man” and to use the pronouns “he” and “him,” even after I asked them to stop and explained why it was hurtful. One co-worker laughed at me when I explained to him why it was offensive to be misgendered, and then he stopped sharing important work-related information during shift changes, jeopardizing site safety. Because I largely worked alone, most co-workers were unaware of the extent of the harassment. I was uninformed of my legal rights in the workplace, and the co-worker’s unacceptable behaviour continued for some time.

The inappropriate questions and comments escalated over a period of six months, until finally management was notified of the situation by a concerned co-worker. After management was notified, I was called in to several meetings with higher management in my department to identify the problem and address the situation. While it was acknowledged that my human rights were likely violated in the workplace, only a couple of the most disrespectful co-workers were reminded of the respectful workplace policy.

Today, even after being out as trans for years at work, I am still asked invalidating questions. For example, I was recently asked by a manager what my “real” name is, challenging the authenticity of the name I have chosen for myself. These encounters leave me feeling dehumanized and humiliated and have caused me anxiety.

Most employers, including mine, do not have guidelines for updating one’s name and gender in the organization’s personnel records. Months after I submitted my legal name change to my employer, the schedule still used

my birthname, which I do not identify with and do not want people to know. I had to contact each individual department in order to update my name on their records. Yet I am by no means the first person to transition at my work, as I am aware of other trans individuals who have experienced similar forms of harassment at the same organization. Organizations need to take more action to protect the safety, dignity and rights of trans employees.

### How can we support trans people in the workplace?

To ensure that our workplaces are inclusive communities, we need to establish policies and processes that are actively supportive of trans employees.

Co-workers can support trans employees in the following ways:

- Respect the privacy of trans people: avoid asking invasive questions
- If you know someone is trans, don't tell other people they are trans without their permission
- Use the pronouns that the trans people have chosen for themselves, even when they are not present. For non-binary people, this may involve using singular "they/ them" pronouns. If you find you are having difficulty using the correct pronouns, practise using them in private. Of course, mistakes happen. If you accidentally misgender someone or use the wrong name, apologize, move on and don't make a big deal about it. Just make an effort to prevent it from happening again
- Use the chosen name of the trans person, even if they have not legally changed it; avoid using their birth

name if you know it, and tell others to do the same

- Avoid using gendered language when referring to someone if you do not know their gender
- Be an ally by challenging colleagues if they make transphobic comments or jokes

Employers have a legal obligation to protect trans people from discrimination, yet many employers are unprepared to support their trans employees. Employers can foster trans-inclusive workplaces in these ways:

- Ensure the organization has guidelines for updating one's name and gender on employee records
- Use the name that the trans person has chosen for themselves, regardless of whether or not it's their legal name, including on work email addresses and on internal forms
- Offer more than two gender options on personnel records and forms
- Ensure that trans people are able to use the washroom that corresponds with their gender
- Provide trans sensitivity training for managers and employees
- Provide health insurance that includes coverage for transition-related medical costs

While coming out was challenging, I am happy to be my authentic self at work. Many co-workers have surprised me over time, going out of their way to be supportive and to educate themselves. No one should have to hide who they are or live in fear, and we should all work together to ensure people are respected and safe at work. ▾

### related resources

Trans Care BC offers information on gender-affirming services in BC. For more information, see [www.phsa.ca/transcarebc](http://www.phsa.ca/transcarebc).

Trans Rights BC outlines the legal rights of trans people in BC. See [www.transrightsbc.ca](http://www.transrightsbc.ca).

QCHAT is a BC-wide peer support phone line for queer and trans youth (30 and under). See [www.qchat.ca](http://www.qchat.ca).

# Gender-Based Violence and Harassment in the Workplace

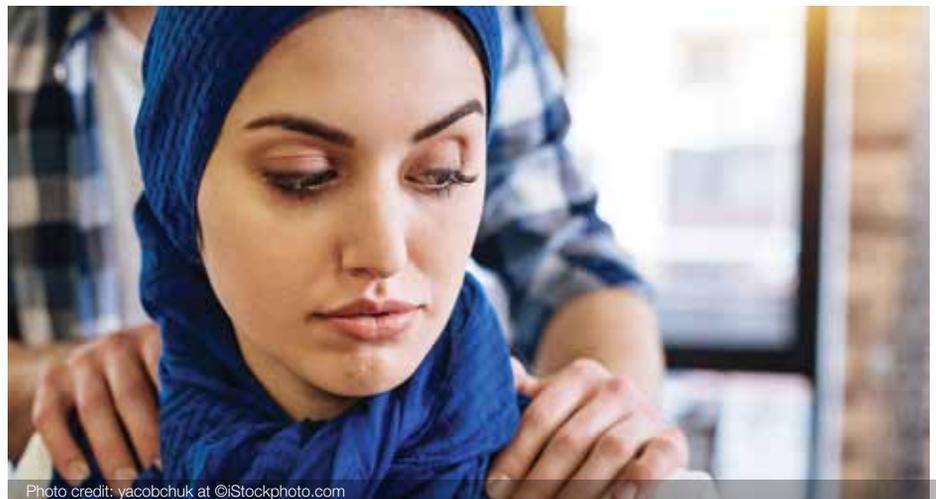
## WORKING TOGETHER TO CREATE SAFER WORKPLACES AND COMMUNITIES

Misha Dhillon and Ninu Kang

Everyone deserves a workplace safe from violence and harassment. However, gender-based violence and harassment are common in Canada and often happen within the workplace or, when they happen outside the workplace, have workplace impacts.

*Misha is the Research & Projects Coordinator at the Ending Violence Association of BC (EVA BC). She earned a master's degree in sociology from UBC and, in her role at EVA BC, contributes her expertise to projects and initiatives aimed at preventing and improving responses to gender-based violence*

*Ninu is the Director of Communications at MOSAIC, with an academic background in economics and counselling psychology. She has over 25 years of program development, management and leadership experience at MOSAIC. Her work includes sharing her knowledge of intersectional approaches to addressing and preventing gender-based violence, focusing on migrant communities*



Gender-based violence or harassment is “committed against someone based on their gender identity, gender expression or perceived gender,”<sup>1</sup> and most often targets women, transgender people and gender non-conforming or non-binary people. Rates of violence and abuse are also higher for people who experience social marginalization (such as, for example, Indigenous people, immigrants and refugees and people with disabilities).

Within the workplace, employees may experience gender-based violence or harassment from a co-worker,

supervisor or employer. It is frequently a pattern of behaviours, and often the person being violent or abusive is someone in a position of authority. Half of Canadian women report having experienced workplace sexual harassment, and almost one-third report having experienced “non-consensual sexual touching” (a type of sexual assault) in the workplace.<sup>2</sup>

Gender-based violence or harassment that takes place outside the workplace can also have a negative impact on the workplace. For example, intimate partner violence, which is often

thought of as taking place at home, can affect the work environment. When someone who experiences intimate partner violence at home comes to work, the intimate partner violence often comes with them; in rare circumstances, it can be a safety risk for others in the workplace.

The workplace impacts of gender-based violence and harassment are significant, affecting not only the individuals involved, but the workplace community and the organization as a whole. Everyone in the workplace can play a role in preventing and responding to gender-based violence and harassment, and there are many benefits to effectively addressing these issues in the workplace.

### Workplace impacts of violence and trauma

Almost 90% of women in Canada use strategies to avoid unwanted sexual advances in the workplace, including avoiding specific people and altering the way that they dress.<sup>2</sup> The workplace impacts of trauma caused by gender-based violence can include social isolation, negative physical and mental health, absences or tardiness, work interruptions, decreased productivity and concerns about job security. A quarter of sexual assault survivors have difficulty carrying out everyday activities, including work.<sup>3</sup>

Looking at intimate partner violence, 54% of survivors said the violence continued at work (for example, through abusive phone calls or criminal harassment).<sup>4</sup> Almost half of abusive partners also said that issues related to their violence negatively impacted their job performance due to distraction, sleep deprivation, anxiety,

depression or needing to take time away from work.<sup>5</sup>

Gender-based violence and harassment also impact colleagues of those directly involved, whether they witness the violence or are affected by the aftermath. More than one-third of survivors of intimate partner violence say their co-workers were impacted, often due to stress or concern about the survivor experiencing violence.<sup>4</sup>

Gender-based violence and harassment have impacts on the workplace more generally, through compromising workplace safety, reducing productivity and engagement among staff, increasing absenteeism and employee turnover, damaging workplace culture and creating potential liability for harm caused. There are also significant direct and indirect financial implications: each year, Canadian employers lose an estimated \$18.4 million due to sexual violence<sup>6</sup> and \$77.9 million due to intimate partner violence.<sup>7</sup> Direct losses for employers include administrative costs, decreases in survivors' productivity and impacts on survivors' work attendance, such as increased tardiness and absences.<sup>6,7</sup>

### Disclosing and reporting violence

For employees who have experienced gender-based violence or harassment, telling someone what happened (also called "disclosing") is an important step—and often the hardest—in dealing with the issue. Someone may choose to disclose because they need emotional support, access to services or workplace accommodations (for example, time off to see a doctor, counsellor, the police or a lawyer). They may also choose to make an official report to their employer or to authorities such as the police.

An official report will usually lead to a formal process; within the workplace, this may include an investigation. Disclosing to a friend, family member or co-worker can help support the employee on their path to healing, but this does not necessarily mean that the employee is ready to report the incident formally—either to their employer or to the police.

There are many reasons why people experiencing gender-based violence or harassment may not want to disclose or report. Within the workplace, this may be because they work closely with the person who harmed them or they have concerns about confidentiality, career impacts, colleagues' perceptions or workplace gossip. They may also be uncertain of the nature or adequacy of the workplace response.

Marginalized groups often experience additional barriers to disclosing or reporting and to accessing relevant supports. They may have concerns about their legal status or may lack awareness of their legal rights. There may be language barriers and an absence of culturally safe resources. Discrimination is also embedded in systems that respond to violence and harassment. For example, there may be assumptions that intimate partner violence does not happen in same-gender relationships (heterosexism) or that a person with a disability is unlikely to experience sexual violence (ableism).

### How individuals can respond to a disclosure

Relatively few survivors choose to make a formal report. Looking at all gender-based violence in Canada (whether experienced inside or outside of the workplace), we know that

survivors report to police in only 30% of intimate partner violence cases<sup>8</sup> and in only 5% of sexual assault cases.<sup>3</sup> Within the workplace, 72% of women who experience sexual harassment and 73% of women who experience sexual assault did not report the incident to their workplace.<sup>2</sup>

In a workplace environment, someone who has experienced gender-based violence or harassment is more likely to disclose to someone they work with. Comprehensive data on disclosures of sexual violence within the workplace are not available, but we do know that 46% of women have warned others about people they know who have made “unwanted sexual advances”;<sup>2</sup> this indicates that survivors are often sharing experiences of workplace sexual harassment and assault with their co-workers. For survivors of intimate partner violence, 43% had discussed the violence with someone at work; for those who did tell someone in the workplace, most (82%) disclosed to a co-worker and many (45%) disclosed to a supervisor or manager.<sup>4</sup>

If someone discloses to you, your role is to support them through the process of disclosing and help the survivor access any additional supports they need, including the option to report to the workplace. It is important to respond in a way that is appropriate and recognizes the impacts of violence:

- **Listen** actively. Let the survivor tell you as much or as little as they want, at their own pace, without interrupting. Mirror the language they use and do not ask for unnecessary details. Avoid overreacting to what they tell you;

keep the focus on them

- **Believe** what they are sharing with you, and show them that you believe them. Your role at this time is not to determine exactly what happened. Reassure them that the incident was not their fault, and help them understand that what they are feeling is valid and normal for someone who has experienced gender-based violence
- **Support** them through discussing options for next steps, including accessing (workplace and community-based) resources, and any workplace accommodations they may need. Giving them the space to talk through their options and make decisions about what to do next can help them regain a sense of control

### How workplaces can respond to disclosures and reports

In British Columbia, employers have an ethical and legal responsibility to address gender-based violence and harassment in the workplace. Further, addressing gender-based violence and

harassment can benefit workplaces by improving employees’ health and well-being, minimizing impacts of violence on employees’ work, and reducing employee turnover and associated recruitment and training costs.<sup>9</sup>

Workplaces should respond to gender-based violence and harassment in a way that is:

- **Trauma-informed**, recognizing that violence can be traumatic, often “temporarily overwhelm[ing] the individual’s internal responses,” in addition to having long-lasting effects.<sup>10</sup> For example, a trauma-informed response recognizes that memory of the incident may be impacted by trauma, and a survivor’s lack of clear or chronological memory does not mean that the violence did not happen
- **Survivor-centred**, prioritizing the needs and preferences of the person who has been harmed. One aspect of a survivor-centred approach is, wherever possible,

## related resources

The Ending Violence Association of BC (EVA BC) is a non-profit organization that has existed in BC for 27 years. It serves as a resource for over 300 community-based services and initiatives supporting survivors of sexual assault, intimate partner violence, child abuse and criminal and sexual harassment.

The organization’s work on gender-based violence, harassment and the workplace builds on EVA BC’s Creating Safer Workplaces and Communities project, funded by Women and Gender Equality Canada.

Employers are not alone in creating safer and more respectful workplaces. EVA BC’s *Gender-Based Violence, Harassment, and Bullying: Workplace Policy Guidelines for Response and Prevention* (2019) can support your development of a comprehensive workplace approach to the issue of gender-based violence and harassment. The Workplace Policy Guidelines can be accessed at [endingviolence.org/prevention-programs/safe-workplaces-communities](http://endingviolence.org/prevention-programs/safe-workplaces-communities).

enabling the survivor to make decisions about how to move forward—including whom information about the incident is shared with, how the incident is dealt with and what workplace accommodations might be needed

- **Culturally safe**, meaning appropriate for diverse cultures. This approach refers in particular to Indigenous cultures. For example, a culturally safe approach understands that colonial violence across generations may impact how an Indigenous survivor experiences a recent incident of violence or abuse

All workplaces should have policy and procedures in place to respond to incidents of gender-based violence and harassment. These should be supported by training, education and resources that help employers and employees recognize signs of gender-based violence, respond appropriately to disclosures and reports and identify appropriate resources for referrals.

When our workplaces develop effective approaches for preventing and responding to gender-based violence and harassment, these behaviours become less tolerated and people who are harmed feel more supported in disclosing and reporting. In this way, we can work together to create safer workplaces and communities. ▼

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## MIND THE BAR, FROM PAGE 23

our stories with each other over a drink—or 10—every night.

Dealing with conflict is an inevitable part of being human, but the frequency with which people in the food and beverage industry experience aggression from perfect strangers goes far beyond normal human experience. The collective toll that this takes on those of us who work in this field is massive. A recent survey showed that more than 90% of hospitality workers in the UK have been sexually harassed on the job.<sup>1</sup> I've no doubt these numbers are similar in most parts of the world.

That stoicism I mentioned earlier—which has been such a reliable tool in my career—has also nearly destroyed my life. Those late-night huddles with colleagues contribute to service-industry employees having the highest rate of illicit drug use and the third-highest rate of heavy alcohol use among all major occupational fields.<sup>2</sup> Those smiles we plaster over our anxiety: it may be indicative of heavy alcohol use when we aren't at work.<sup>3</sup> Studies from the US also show that many of those in the food and beverage industry also deal with other mental health issues—in fact, the field has one of the highest rates of mental health issues of all the major industries.<sup>4</sup> In short, we are in the middle of a crisis.

### Caring for our hospitality workers

This is the environment in which Mind the Bar was founded. Mind the Bar is a mental health resource, information and support system and community hub designed for the hospitality industry. We focus on supporting those

who experience depression, anxiety, addiction and workplace harassment. In addition to making sure hospitality workers access the supports they need, we aim to dismantle the negative stigma associated with mental health issues by changing the way we discuss, address and cope with them. We might not be able to change the perception the general public has of our industry or the way they treat those within it, but we can at least offer a helping hand to those of us who have had to deal with it and have nowhere else to turn.

Mind the Bar isn't a cry for help, and this article isn't looking for your sympathy. The last thing any one of us in the hospitality industry wants is for you to feel bad about enjoying your next meal or drink. But I wanted to illustrate the sacrifices that those who serve you make in order to ensure that your experience is positive and your service is provided at the highest standard possible. We do what we do because we love it, and we're grateful to have the opportunity to showcase our talents and our passions on a daily basis. All we want is some understanding about what it takes to make that magic happen and some empathy when we decide that it's time to start treating ourselves as well as we do our guests.

For more information about Mind the Bar, and for helpful resources, visit [MindTheBar.com](http://MindTheBar.com), where you can find out more about the physical and mental-health challenges faced by those of us who work in the hospitality industry. ▼

# What To Do If You Are Being Bullied and Harassed at Work

## A LEGAL PERSPECTIVE

Tamara Ramusovic

The law in British Columbia requires employers to provide a workplace free of bullying and harassment. If you are being bullied or harassed at work, you likely have several different options available to you. The most appropriate response will depend on the seriousness of the problem, the nature of your workplace and whether you are a member of a union.

*Tamara (she/her/hers) is a partner at Moore Edgar Lyster LLP in Vancouver, where she practises in all areas of labour, employment, human rights and administrative law*



Photo credit: MachineHeadz at ©Stockphoto.com

### Your workplace policy

A good starting place is your workplace bullying and harassment policy. All workplaces in BC should have a written bullying and harassment policy. The policy should tell you whom to speak to about your concerns, including what to do if the person bullying or harassing you is your manager or supervisor, and how to make a formal bullying and

harassment complaint. The policy should also describe what steps the employer will take in response to your report of bullying and harassment, or your formal complaint, should you decide to make one. Most policies set out the privacy rights and confidentiality rights of everyone involved, including you and the person or persons against whom you have complained.

## Considering your reporting options

If you are being bullied or harassed at work, consider taking the following steps:

- If it is appropriate and safe, you should try to work things out directly with the person doing the bullying and harassment. It is possible that the person does not realize that their words or actions are causing you distress, and would stop if you explain the impact that those words or actions have on you and ask them to stop. Once again, you should only do this if you judge that it is appropriate and safe to do so
- If you are not comfortable addressing the matter with the person directly, or if you have done that, and the bullying or harassment continue, report your concerns to your employer under your workplace bullying and harassment policy
- If your work does not have a policy, you should bring your complaint to a manager or someone in human resources you feel comfortable speaking to about this issue
- If you are a member of a union, you should speak to your union representative or a shop steward about the bullying and harassment that you are experiencing. You may choose to do this before reporting your concerns to your employer

Although it is your employer's obligation to address this problem, your union can play an important role. A union representative can help you communicate with your employer about your complaint and can explain your rights to you. The union representative can also explain the rights,



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If you feel your employer has not investigated your complaint, or has not taken reasonable steps to address the issue, and you are in a union, you should speak to your union about your concerns.

including privacy and human rights, of any other employees involved.

If you feel your employer has not investigated your complaint, or has not taken reasonable steps to address the issue, and you are in a union, you should speak to your union about your concerns. The union may be able to assist you through the grievance process under the collective agreement or other means. If you are not in a union, you will want to consider your reporting options outside the workplace (see the section on this below).

In addition to the duty to address any bullying and harassment in the workplace, employers are also required by law to accommodate, to a certain point, any physical and mental disabilities faced by you or your co-workers. This includes any diagnosed mental illnesses, including

those that contribute to the incidences of bullying and those that are caused by it.

For example, some mental illnesses can have an impact on interpersonal behaviour in the workplace. If your complaint of bullying and harassment is against a co-worker whose mental health issues are a factor in the bullying and harassing behaviour, your employer may be required to balance your rights with those of your co-worker. Your union will also be required to consider these different rights. The appropriate outcome will depend on the specific facts, including whether there are any safety concerns.

Your employer is not allowed to share medical information about other employees with you, including other employees' needs to be accommodated for mental health reasons. This

If workplace bullying and harassment has caused, or made worse, a diagnosed mental disorder, you may be able to get workers' compensation benefits from WorkSafeBC, including compensation for wage losses. If you think this situation may apply to you, speak to your doctor and WorkSafeBC about making a claim for benefits.

means that it may not be possible for your employer to tell you specifically what is going on with your co-worker. At the same time, however, you also benefit from the rules requiring employers to keep employee medical information confidential, and you should feel confident that your health information will not be shared with others.

### Reporting options outside your workplace

In addition to internal workplace processes to address bullying and harassment, you have several options available to you outside your workplace.

If your employer has not taken steps to respond to your report of bullying and harassment, you can contact the WorkSafeBC Prevention Line at 1-888-621-7233 and speak with a WorkSafeBC prevention officer. The prevention officer can provide you with information, answer questions and direct you to resources. In certain cases, WorkSafeBC may make inquiries directly with the employer to ensure that there are adequate policies and procedures and that the procedures have been followed in your case.

You can also submit a bullying and harassment complaint to WorkSafeBC by filing a Bullying and Harassment Questionnaire on WorkSafeBC's website. However, WorkSafeBC's role is not to resolve or mediate any specific disputes or conflicts. Its role is limited to ensuring that the employer has conducted an investigation that is fair, impartial and focused on finding facts and evidence.

If workplace bullying and harassment has caused, or made worse, a diagnosed mental disorder, you may be able to get workers' compensation benefits from WorkSafeBC, including compensation for wage losses. If you think this situation may apply to you, speak to your doctor and WorkSafeBC about making a claim for benefits.

Finally, if you are being bullied or harassed on protected human rights grounds (that is, if the bullying or harassment is on grounds that are protected by federal or provincial human rights legislation) and your employer has failed to resolve the issue appropriately, you can make a human rights complaint. Human rights law provides for protection from discrimination in the workplace

on grounds like race, skin colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, age and criminal conviction unrelated to an individual's employment.

If any of these grounds are a factor in your bullying and harassment, you can make a complaint to the BC Human Rights Tribunal (if your employer is provincially regulated), or the Canadian Human Rights Commission (if your employer is the federal government or any other federally regulated employer).

### Timing is important

There are firm deadlines to file complaints with the BC Human Rights Tribunal and the Canadian Human Rights Commission, and to make a claim for benefits from WorkSafeBC. If you have experienced bullying or harassment in your workplace, look into your options as early as possible so that you do not miss the deadlines.

*The above provides an overview and general legal information, and does not constitute legal advice. Please contact a lawyer to obtain legal advice specific to your case, including any applicable deadlines. ▼*



## when is it a human rights issue?

*Laura Track, BC Human Rights Clinic*

BC's Human Rights Code protects us from negative treatment in the workplace on the basis of certain personal characteristics. Sex, race, sexual orientation, gender identity and expression, age and religion are all protected characteristics under the Code.

Harassment and bullying that target one or more of these protected characteristics—sexual harassment, for example, or homophobic bullying or racial slurs—may be found to be discriminatory and contrary to the Code.

Employers have an obligation under human rights law to provide a safe and discrimination-free workplace. If you have experienced discrimination at work, you can make a complaint to the BC Human Rights Tribunal. You have one year from the date of the discrimination to make a complaint.

The tribunal can help to resolve the issue through mediation. Mediation is an informal process aimed at

settling the complaint by agreement. If mediation does not solve the problem, the tribunal can hold a hearing. If you or someone representing you is able to prove that you were discriminated against, the tribunal can order your employer to compensate you. The tribunal can also order the employer to take other important steps, like developing an anti-harassment policy or providing education and training to staff.

To learn more about human rights complaints, visit the BC Human Rights Tribunal website at [www.bchrt.bc.ca](http://www.bchrt.bc.ca).

To learn more about your rights, and to apply for free legal help with a human rights complaint, visit the BC Human Rights Clinic website at [www.bchrc.net](http://www.bchrc.net). The clinic is available to all BC residents. While only the tribunal can tell people whether their complaint meets the test for being a human rights violation, the clinic can give people advice on the strengths and weaknesses of their case. ▾

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# Where Has It Gone?

## A WORKPLACE TRAINER PROVIDES SOME THOUGHTS ON HEALTHY INTERPERSONAL INTERACTIONS, SELF-CARE AND THE ELIMINATION OF BULLYING IN THE WORKPLACE

Lucette Wesley

When I was young, we were taught to be polite and respectful and to have patience and understanding for others. Since then, for some reason, the idea of being civil and respectful to one another seems to have gone by the wayside. We see bad behaviour when we drive our cars, wait in line for coffee, try to talk to our bosses about concerns and in all sorts of other day-to-day situations.

*Lucette is a CMHA workplace trainer with 40 years of experience in management. She has seen the toll that psychological struggles and stigma have taken on people's lives and has learned that we need to practise regular self-care to stay well. She promotes early intervention whenever she facilitates a workshop*



Are we in too much of a hurry, too busy and tired? Are our lives too stressful for us to care about each other today? Are we all struggling from compassion fatigue? Maybe it's a combination of all of those things.

The lack of civility I see in some workplaces often leads to very dysfunctional relationships between supervisors or managers and their staff, sometimes leading to bullying and harassment. In my experience as both a manager and a workplace trainer, I've heard of many bullying claims made to WorkSafeBC

but ultimately rejected—not because there isn't a serious issue, but because the circumstances do not meet WorkSafeBC's rigid test of bullying and harassment. But if we look closely at the circumstances of the complaint, we sometimes see a supervisor or manager who doesn't know how to lead or deal with difficult situations. I wonder if we are doing a disservice to those whom we put—often unprepared—into leadership positions.

We tend to take those who are an expert in their role—efficient, accurate,

energetic and full of great ideas for the future—and promote them into leadership roles. We put them in charge of large teams of people with heavy workloads and don't help them to develop the leadership skills to lead, manage, mentor and support their staff. We expect them to jump in with both feet, learn on the go, and we provide little in terms of expectations or support; we just sit back and expect them to be successful. That lack of guidance can take a huge emotional toll on the leader's mental health, which then creates stressors for everyone around them. And if the team is one that is public-facing, frequent incivility by the public just contributes to the stress of the team.

### The importance of emotional intelligence in the workplace

To be a good leader requires a range of skills that can be learned with coaching and mentoring. But a good leader also requires "emotional intelligence," which takes more self-analysis and work. A leader with higher levels of emotional intelligence can reduce their own stress while positively impacting the effectiveness of the team. But what is emotional intelligence? How do we know if we have it? And if not, how do we get it?

Emotional intelligence is the ability to recognize and manage one's own emotions, as well as the ability to recognize and appropriately respond to the emotional distress of others. Improving our emotional intelligence can help us

- have insight into our emotional triggers
- identify our emotions and the sources of our feelings
- reduce the likelihood of making poor choices
- manage conflict more effectively

There are many things we can do to increase our own emotional intelligence:

- Build resilience by identifying your personal stressors and the barriers you face when you need to address those stressors (for more detail, see the related resources at the end of this article)
- Change how we interact with others; practise using active listening skills and be aware of our emotional responses to the other person and to our interactions
- Communicate more effectively: use empathic, supportive and non-judgemental language

### Compassion fatigue and tips for prevention

I wondered earlier in this article if we might all be struggling with compassion fatigue. The term, coined by traumatic stress studies scholar Charles Figley in the mid-1990s,<sup>1</sup> refers to a combination of symptoms, including physical and mental exhaustion, emotional withdrawal, a profound decrease in the ability to empathize and the individual's sense of "becoming jaded." Compassion fatigue is often the result of the sort of stress that occurs when we try every day to help others in need—and for this reason is frequently referred to as the "cost of caring." Compassion fatigue can happen if we're spending a lot of energy helping family members like aging or sick parents and our children, our clients or students, the general public or even our staff.

Sometimes, we are so fatigued that we reach a point where we start to blame others for our profound exhaustion, we complain to colleagues, we may work harder or longer and neglect our own needs and interests and we may

even start thinking we should change careers. I have been there myself. But at that point, what we really need to do is to take a good look at what's happening inside us and actively decide that we need to start taking better care of ourselves and start practising prevention techniques.

If you are feeling emotionally drained or empty, or if you are feeling like you want everyone to leave you alone, or if you are feeling like you want to run away on your own, you may be experiencing compassion fatigue. Here are a few things you can do:

- Start to honour your own emotional needs and practise self-compassion. Find time for yourself every day, develop strong social support at home and work and ask for help when you need it
- Set emotional boundaries: keep your ability to empathize with others' situations but don't get pulled in completely so you start feeling their pain and stress. Develop outside activities and hobbies and put your own health and wellness at the top of your priority list
- Use positive coping strategies (don't sublimate what you're feeling by drinking alcohol or using substances, or by otherwise ignoring it). Try the following:
  - Get seven to nine hours of sleep each night (shut down your devices two hours before bedtime, and practise mindfulness to help you fall asleep)
  - Eat a healthy diet; limit junk food and set aside time to eat rather than eating on the go
  - Practise deep, regular breathing (see the related resources at the end of this article)

- Practise work-life balance. Prioritize your personal time, learn to say no, shut down work devices when you go home and do more of what you love
- Always try to end your day with a positive experience—talk to a friend about a fun activity, make a plan for a holiday, go to the gym or cook a meal or work in the garden or play music if you like doing those activities
- Seek support from co-workers, family and community (many of us give support but rarely ask for it)
- Take breaks during the work day: we exhaust ourselves if we work all day without taking time to rejuvenate
- Take time during the work day to physically relax your body: let your shoulders lower, feel the tension drain from your muscles
- Walk, and if you can, do it in nature, which has a calming effect
- Treat yourself when you need a boost: go for a walk on the beach or have dinner with a friend, go to a yoga class or have a massage or mini-holiday—whatever makes you feel better
- Try mindfulness or meditation practice—either of these can help you become calm and stay that way
- Talk about difficult situations (tell a co-worker or supervisor about a tough call or a difficult interaction; others can support you and possibly reframe the experience to help you put it into perspective)
- Seek professional counselling if the above do not work

### Self-care and the four aspects of self

Another way to look at coping skills is to think about our four aspects of self from a prevention perspective. How can we address our physical, emotional, mental and spiritual well-being in a way that ensures we stay healthy even when we may have to deal with stress in our home and work lives? What are you doing right now to make sure each of these aspects of your life is healthy?

1. **Physical.** What are you doing physically to regularly renew and recharge? Do you walk? Run? Play a sport? Go to the gym? Garden? If you are not doing this today, start now.
2. **Emotional.** What makes you feel valued and appreciated for your contributions? If you are not receiving that validation at work, tell your supervisor what you need for that to happen.
3. **Mental.** How can you change your work day so that you have the opportunity to focus in an absorbed way on your most important tasks and define when and where you get your work done?

4. **Spiritual.** We each have our own definition of “spiritual.” Often, it’s the way you bring peace, purpose, connection, love, beauty and meaning into your life. Do more of what you define as spiritual. That might include being out in nature, meditating or listening to music or poetry. If that means getting someone to help babysit a few hours a week so that you take a full lunch hour so you can go for a walk instead of eating on the run, then do it.

If we all learn to stay emotionally and psychologically healthy rather than rushing through life without caring about ourselves or others, we might reduce incivility in our lives. Being civil and kind to others begins when we have made the time to be civil and kind to ourselves. When we treat ourselves with respect, we naturally start to treat others with compassion and kindness. When we do that, we may be able to eliminate bullying and harassment from our lives as well. We would all be much happier. ▼

### related resources

For more information on **emotional intelligence**, including an emotional intelligence skills assessment, see [workplacestrategiesformentalhealth.com/psychological-health-and-safety/emotional-intelligence](http://workplacestrategiesformentalhealth.com/psychological-health-and-safety/emotional-intelligence).

For information on **mindful breathing techniques**, visit [ca.ctrinstitute.com/wp-content/uploads/2015/12/Exercises-for-Emotion-Regulation-1.pdf](http://ca.ctrinstitute.com/wp-content/uploads/2015/12/Exercises-for-Emotion-Regulation-1.pdf).

For more information on developing effective strategies to help you bounce back after a crisis and **build resilience**, see [workplacestrategiesformentalhealth.com/employee-resources/plan-for-resilience](http://workplacestrategiesformentalhealth.com/employee-resources/plan-for-resilience).

For more information on compassion fatigue, see [tendacademy.ca/resources](http://tendacademy.ca/resources).

# Put Psychologically Safe Interactions on the Agenda in Your Workplace

Mary Ann Baynton, MSW, RSW

Most of us are aware of bullying in schools. It's frequently talked about in the media and popular culture. Bullying in the workplace doesn't get the same level of public attention, but that doesn't mean it's not happening.



*Mary Ann is the Director of Strategy and Collaboration for Workplace Strategies for Mental Health*

## What is workplace bullying?

According to the Canada Safety Council,<sup>1</sup> bullying at work is

- Repeated, health or career-endangering mistreatment of one employee by one or more employees
- A form of psychological violence
- Often a mix of verbal and strategic insults preventing the target from performing work well

Bullying behaviour can also come from clients, customers or patients. Frustration, fear or a sense of justice may fuel this behaviour in any of us. Yet most of us don't intentionally bully or believe we contribute to or play a role in bullying. We may be shocked or morti-

fied to discover that we're viewed as a bully. But good intentions may not be enough to create a psychologically safe workplace. Workplace Strategies for Mental Health has developed a process that goes to the heart of the matter. Compliments of Canada Life, Workplace Strategies for Mental Health offers evidence- and practice-based tools and resources free to all Canadians.<sup>2</sup> You can use these resources to learn and teach how behaviours in the workplace can negatively impact others, despite our best intentions. You can help establish a shared understanding of acceptable behaviours so our workplace interactions are less likely to cause distress or fear in others.



Photo credit: skynesher at ©iStockphoto.com

When considering if we should intervene, we may worry we'll now become the target of the bullying, or that we might be shunned by one or both individuals if they don't appreciate our actions.

### What is a psychologically safe interaction?

A psychologically safe interaction is not about always saying yes or never disagreeing. It's not about always being cheery. Any of us could have a bad day or be unintentionally intense, dismissive or distracted. Psychologically safe interactions are interactions where

- All employees feel safe to speak up about legitimate concerns in the workplace
- Conflicts are resolved respectfully
- When an employee makes an inappropriate comment or gesture, someone will respectfully call them on it
- All employees are included in productive work-related discussions

Psychologically safe interactions help to address and resolve conflicts and inappropriate behaviours quickly, respectfully and consistently.

Many workplace bullies, including those in management or union roles, aren't aware their behaviour may be harmful to others. They think they're being direct, passionate or simply expressing frustration. Yet others may experience their behaviour quite differently.

### Have you checked your assumptions?

Sometimes a leader's approach to delivering feedback can feel psychologically unsafe to the person who's receiving or witnessing the feedback. Sometimes an employee's assumptions about the intent of the feedback can

be false or inaccurate. Learning how to check your assumptions before reacting is an important element of psychologically safe interactions.

We may feel hurt by feedback because of our assumptions about another person's intentions. We may interpret feedback as a personal attack or a lack of appreciation for our work. We may think, "Do they think I'm incompetent? Don't they care how hard I've worked? Are they out to get me?" Examining the assumptions that feed these sorts of questions can help us avoid misunderstandings, inappropriate reactions and unnecessary stress.

Sometimes leaders need to give us feedback with the goal of improving our performance. In doing so, however, they should ensure a balance between driving performance and supporting psychological safety. Most of us don't enjoy critical feedback from anyone. In workplace relationships, there may be less trust and more fear of negative consequences. Therefore, it's even more important that critical feedback from a supervisor be delivered in a psychologically safe way.

One approach to increasing psychological safety in the workplace is to express ahead of time how you prefer to receive critical feedback from your leader. When you consider how you want to receive feedback, think about things like format, language, style, location, body language, tone of voice and the type of feedback you favour. For example, you may prefer private emails, face-to-face meetings or weekly phone calls. Also consider when you like to get feedback. Do you prefer it immediately after a task or event, or do you like to schedule feedback at a later

date? Do you want to hear what you've done well rather than just the things you need to work on? Being specific about what works for you can help you and your leader be more effective.

### What's moral courage—and how can it make a difference?

Another element of psychologically safe interactions is ensuring that every employee is able to intervene effectively when someone's having a bad day or behaving inappropriately. In many workplaces, employees will freeze or withdraw when witnessing intimidating behaviour, especially when the person exhibiting the behaviour has more power or is in a position of higher rank.

Learning to respectfully stop psychologically unsafe behaviour can make a huge difference in any workplace. We can call this moral courage.

When people witness what appears to be bullying in the workplace, emotional responses can vary from person to person. Some may feel angry or outraged and actually engage in the same intimidating behaviours as the bully. Others may feel sad or embarrassed for one or both people.

And some may feel helpless or afraid. Not reacting at all may leave us with feelings of regret that we didn't do anything to intervene.

When considering if we should intervene, we may worry we'll now become the target of the bullying, or that we might be shunned by one or both individuals if they don't appreciate our actions. By developing an accepted, agreed-upon response in advance, organizations and work groups can eliminate most of these concerns. Psychologically Safe Interactions resources help work groups to do this.

### What's next?

Psychologically unsafe behaviour in the workplace can affect us all. It can have a negative impact on the mental well-being and safety of everyone—not just those involved. Ensuring a psychologically safe workplace environment begins with a conversation about what makes a safe environment and how to commit to making positive changes. Visit [www.workplacestrategiesformentalhealth.com/managing-workplace-issues/psychologically-safe-interactions](http://www.workplacestrategiesformentalhealth.com/managing-workplace-issues/psychologically-safe-interactions) for a facilitator guide, slide presentation and participant handout that supports you to address this issue.

If you need more guidance, check out some of our many other tools and resources:

- **Protecting Ourselves Against Bullying:** [workplacestrategiesformentalhealth.com/employee-resources/protecting-ourselves-against-bullying](http://workplacestrategiesformentalhealth.com/employee-resources/protecting-ourselves-against-bullying)
- **Ideas for Resolving Conflict:** [workplacestrategiesformentalhealth.com/employee-resources/ideas-for-resolving-conflict-at-work](http://workplacestrategiesformentalhealth.com/employee-resources/ideas-for-resolving-conflict-at-work)
- **My Boss is Stressing Me Out:** [workplacestrategiesformentalhealth.com/employee-resources/my-boss-is-stressing-me-out](http://workplacestrategiesformentalhealth.com/employee-resources/my-boss-is-stressing-me-out) ▼

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## WorkSafeBC

[www.worksafebc.com/bullying](http://www.worksafebc.com/bullying)

Find information on bullying and harassment at work, learn what to do if you experience bullying, and learn what's expected of employers. The resource toolkit includes books and guides, fact sheets, videos, and a training tool. To report or ask questions about safety concerns, you can call the WorkSafe Prevention Information Line at 604-276-3100 (in the Lower Mainland) or 1-888-621-7233 (in the rest of BC).

## BCFED Health & Safety Centre

[www.healthandsafetybc.ca](http://www.healthandsafetybc.ca)

Learn about psychologically healthy workplaces, take courses like Workplace Bullying and Harassment, learn more about your rights, and training resources and supports for employees, employers, and occupational health and safety committees.

## Canadian Centre for Occupational Health and Safety

[www.ccohs.ca/topics/wellness/violence/](http://www.ccohs.ca/topics/wellness/violence/)

Learn more about workplace hazards like violence and discrimination, take a course to help you respond to bullying or harassment at work (including bullying or harassment from customers), and find podcasts on responding to and preventing bullying.

## National Standard of Canada for Psychological Health and Safety in the Workplace

[www.mentalhealthcommission.ca/national-standard](http://www.mentalhealthcommission.ca/national-standard)

Voluntary guidelines to help organizations prevent harm and promote good mental health at work, plus guides and tools to help you implement the Standard in your own workplace. Learn more about the 13 factors of psychological health and safety in the workplace including Civility and Respect, Psychological Demands, and Psychological Protection. The Mental Health Commission of Canada also offers resources and training opportunities to help people stay well and respond to mental health concerns at work.

## BC Human Rights Clinic

[www.bchrc.net](http://www.bchrc.net)

Information and training for businesses and workplaces on human rights in BC, including preventing, investigating and responding to harassment and creating a respectful, inclusive and discrimination-free workplace. For those who have filed a human rights complaint with the BC Human Rights Tribunal, the Clinic offers legal services. To talk to a human rights lawyer or legal advocate for general information about human rights law, you can schedule a free 30-minute appointment through the Short Service Clinic.

## Ending Violence Association of BC

[www.endingviolence.org](http://www.endingviolence.org)

Information about gender-based violence, resources and supports for people who experience violence, and violence prevention programs. You'll also find *Gender-Based Violence, Harassment, and Bullying: Workplace Policy Guidelines for Response and Prevention* to help workplaces respond to and prevent gender-based violence and bystander training specifically for people who work in natural resources.

## Workplace Strategies for Mental Health

[www.workplacestrategiesformentalhealth.com](http://www.workplacestrategiesformentalhealth.com)

Resources to help employees and employers manage their mental health and well-being at work, recognize and respond to bullying and other harms, address conflict at work, and support everyone. You'll also find tools, reports, and other education and training resources.

 This list is not comprehensive and does not necessarily imply endorsement of all the content available in these resources.

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