

# BRITISH COLUMBIA EMPLOYERS: REQUIREMENTS FOR THE PREVENTION OF BULLYING, HARASSMENT AND VIOLENCE IN THE WORKPLACE

Posted on May 2, 2016

**Categories:** [Insights](#), [Publications](#)

Pursuant to the British Columbia *Workers' Compensation Act* ("Act"), every employer has a duty to ensure the health and safety of its workers,<sup>[1]</sup> which includes taking all reasonable steps to prevent or otherwise minimize workplace bullying and harassment, and eliminate or otherwise minimize workplace violence.

## ***Bullying and Harassment***

Bullying and harassment includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.<sup>[2]</sup> Person means anyone workers come into contact with at the workplace, including a co-worker, a supervisor, the employer, a client or the public.

WorkSafeBC considers the following to be reasonable steps for employers to take in order to meet their legal obligations to prevent and address workplace bullying and harassment:<sup>[3]</sup>

1. developing a policy statement with respect to workplace bullying and harassment not being acceptable or tolerated;
2. taking steps to prevent where possible, or otherwise minimize, workplace bullying and harassment;
3. developing and implementing procedures for workers to report incidents or complaints of workplace bullying and harassment, including procedures for workers to report on the employer, supervisors, or persons acting on behalf of the employer;
4. developing and implementing procedures for how the employer will deal with complaints, such as investigations, follow-up and record keeping;
5. informing workers of the employer's policy statement and the employer's steps to prevent or minimize workplace bullying and harassment;
6. training supervisors and workers on how to recognize the potential for bullying and harassment, respond to it, the procedures for reporting, and how the employer will deal with incidents and complaints;

7. annually reviewing (1), (2), (3), and (4); and
8. adhering to its own policies and procedures, i.e. not engaging in bullying and harassment of workers and supervisors.

Every supervisor also has a duty to take all reasonable steps to ensure the health and safety of workers under their supervision. Accordingly, supervisors have obligations not to engage in the bullying and harassment of workers, other supervisors, the employer or persons acting on the employer's behalf, and to apply and comply with the employer's policies and procedures on bullying and harassment.[\[4\]](#)

### **Violence**

The Occupational Health and Safety Regulation (the "*Regulations*") defines "violence" as the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury.

Employers must perform a risk assessment in any workplace in which a risk of injury to workers from violence arising out of their employment may be present.[\[5\]](#)

If workers are at risk of injury from violence, employers must establish procedures, policies and work environment arrangements to eliminate the risk to workers from violence, and if elimination is not possible then to minimize the risk to workers.[\[6\]](#)

Furthermore, employers have a duty to inform workers who may be exposed to the risk of violence of the nature and extent of the risk, which includes providing workers with information related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work. Employers must instruct these workers:[\[7\]](#)

1. the means for recognition of the potential for violence;
2. the procedures, policies and work environment arrangements which have been developed to minimize or effectively control the risk to workers from violence;
3. the appropriate response to incidents of violence, including how to obtain assistance; and
4. procedures for reporting, investigating and documenting incidents of violence.

If a worker reports an injury or adverse symptom as a result of an incident of violence, the employer must ensure the worker is advised to consult a physician of the worker's choice for treatment or referral.

If you require assistance, including preparing your policies and procedures to prevent and address workplace bullying, harassment and violence please contact Louis Zivot or Natalie Cuthill.

by Louis Zivot and Natalie Cuthill, Student-at-Law

1. The Act at s. 115.
2. Policy Item D3-115-2.
3. Policy Item D3-115-2.
4. The Act at section 117 and Policy D3-117-2.
5. The *Regulations* at section 4.28.
6. The *Regulations* at section 4.29.
7. The *Regulations* at section 4.30.

### **A Cautionary Note**

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

© McMillan LLP 2016