Workplace Bullying & Harassment Program

1.0 Introduction

Bullying and Harassment is an occupational health and safety issue that poses a potential risk to the physical and mental health and safety of employees. It can lead to lower productivity, physical illness, and increased risk of injury if someone is distracted while performing work tasks. The following Workplace Bullying & Harassment Program was developed in accordance with WorkSafeBC legislation and is specific to SFU employees. The primary goal of the Program is to prevent or minimize bullying and harassment in the workplace. However, if it does occur, the Program outlines reporting and investigation procedures for addressing incidents of bullying and harassment in the workplace.

2.0 Policy Statement

Simon Fraser University is committed to providing a working and learning environment that is free from the effects of bullying and harassment and in which all members of the University community are treated in a fair and respectful manner. A respectful workplace policy that outlines the University’s commitment is currently under development.

3.0 Definition

Workplace Bullying and Harassment is defined by WorkSafeBC as: 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.

Workplace bullying & harassment under WorksafeBC is separate from discriminatory harassment covered under the Human Rights Policy, GP 18. Complaints related to discriminatory harassment are managed through the SFU Human Rights & Equity Office.

Bullying and harassment should not be confused with exercising managerial authority. It’s important to distinguish between a person who is reasonably exercising legitimate authority at work in an appropriate way, and a person who is bullying and harassing.

Examples of reasonable management action might include decisions relating to the following:

- job duties or work to be performed
- workloads and deadlines
- layoffs, transfers, promotions, and reorganizations
- work instructions, supervision, or feedback
- work evaluation
- performance management
- discipline, suspensions, or terminations
When it’s provided in a respectful manner, appropriate feedback to help staff improve performance or behaviour is not bullying and harassment. However, managers and supervisors should ensure performance problems are identified and addressed in a timely fashion, in a constructive and objective manner that does not humiliate or intimidate.

### 4.0 Legislative Requirements

Under Bill 14, the Workers Compensation Act was amended to introduce new policies on bullying and harassment in the workplace. These policies set out requirements for employers, supervisors and employees, as described below.

Under the legislation, employers are required to:
- not engage in bullying and harassment;
- develop a policy statement on bullying and harassment;
- take steps to prevent or minimize bullying and harassment;
- develop and implement procedures for dealing with incidents or complaints;
- inform workers of the policy statement and steps taken to prevent bullying and harassment;
- train workers and supervisors to recognize the potential for bullying and harassment, to respond, and to follow the procedures for reporting;
- annually review the policy statements and procedures.

Supervisors are required to:
- not engage in bullying and harassment;
- apply and comply with SFU’s policies and procedures on bullying and harassment.

Employees are required to:
- not engage in bullying and harassment;
- report to their Supervisor or Department Head any bullying and harassment observed or experienced in the workplace; and,
- apply and comply with SFU’s policies and procedures on bullying and harassment.

### 5.0 Prevention

As mentioned above, the primary goal of the Program is to prevent or minimize bullying and harassment in the workplace.

If a Supervisor or Manager is aware of circumstances that present a risk of bullying and harassment, they must take steps to prevent or minimize the risk. This might include direction and supervision to affected workers, recommending training on managing difficult situations, or imposing workplace arrangements to minimize the risk of bullying and harassment.

An education and awareness campaign has been developed to reinforce SFU’s commitment to providing a work environment that is free from bullying and harassment. In order to focus training and education
efforts, employee surveys will be conducted to identify potential issues and problematic areas at the University.

6.0 Reporting Procedures

The following steps should be taken by employees if they are being bullied or harassed in the workplace:

1. **Approach the Alleged Bully/Harasser**
   If the complainant feels safe and comfortable doing so, they should calmly approach the alleged bully/harasser and inform them their behaviour is unwanted, unacceptable and contrary to University policy. They should insist that the offensive behaviour stop immediately.

2. **Inform your Supervisor**
   If the unwelcome behaviour continues, the complainant should contact their immediate Supervisor to address the situation. Reports should be made as soon as possible after the incident to ensure it is investigated and addressed in a timely manner. Written accounts of incidents should be maintained and submitted with any complaints.

   If the Supervisor is the alleged bully/harasser, the complainant has the option of contacting the Department head, employee group representative, Human Resources Advisor or Academic Relations Advisor for assistance.

3. **Inform Safety and Risk Services**
   If the complainant feels his/her concerns have not been adequately addressed at the departmental level, the Workplace Bullying and Harassment Report form (available on the Safety and Risk Services webpage) should be completed. The form asks for information about the affected employee, the alleged bully/harasser, and a detailed account of the alleged bullying and harassment behaviour and the actions taken by the department to address this behaviour.

There will be no repercussions for pursuing a bullying and harassment complaint that is made in good faith. The complaint will be kept confidential insofar as is possible within the confines of a fair and effective investigation. Frivolous, vexatious, or malicious complaints of bullying and harassment may result in discipline.
7.0 Investigation and Resolution Process

Informal Investigations

It is expected that supervisors will address any reported complaints of workplace bullying and harassment within their departments. They are encouraged to seek advice and assistance from their employee group, Human Resources, Academic Relations, or Safety and Risk Services.

When conducting an initial review or informal investigation of a complaint, Supervisors are encouraged to follow these guidelines:

- Meet with the complainant and take the information presented seriously.
- Ask for specific details about the alleged incident(s), including the following:
  - What prompted the complaint?
  - What behaviour does the complainant consider bullying or harassment?
  - When did this behaviour occur and how often?
  - Has this behaviour been directed at anyone else?
  - How has the behaviour affected the complainant?
  - How has the behaviour impacted the workplace?
  - What resolution strategies could be implemented to resolve the complaint?
- Take detailed notes to ensure a record is kept of the complaint.

A [Complaint Review form](#) is available on the SRS webpage to assist Supervisors in documenting this meeting.

Employees have the right to employee group representation in any complaint and/or investigation process.

The Supervisor will work with the complainant and the alleged bully to develop appropriate resolution strategies. Where appropriate, the Supervisor should contact Human Resources or Academic Relations to determine whether any disciplinary measures against the bully/harasser are appropriate in the situation.

Formal Investigations

In some cases the initial review of the complaint will result in the creation of strategies that address the behaviour and allow the complainant to find resolution. In cases where the strategies put in place do not correct the behaviour, a more formal investigation will be required. Human Resources and Academic Relations can assist Supervisors in conducting formal investigations.

During an investigation, Supervisors should ensure the following:

- The employee is advised of their right to have union/association representation present at the investigation.
- The investigation is undertaken promptly and diligently, and is as thorough as necessary in the circumstances.
• The investigation is fair and impartial, providing fairness for both the complainant and respondent in evaluating the allegations.
• The investigator is sensitive to the interests of all parties, and maintain confidentiality to the extent possible in the circumstances.
• The investigation is focused on finding facts and evidence, which should include interviews with the complainant, respondent, and any witnesses.
• Detailed notes should be taken of all interviews and conversations.
• The investigator also reviews any evidence such as emails, handwritten notes, photographs, or physical evidence such as vandalized objects.
• The investigation incorporates, where necessary, any need or request from the complainant or respondent to have assistance during the investigation process.

Upon completion of the investigation, a report must be compiled that outlines the findings of the investigation and recommended mitigation and resolution strategies. A copy of this report will be provided to Safety and Risk Services to enable the collection of statistics on workplace bullying and harassment incidents at SFU.

Safety and Risk Services Involvement

Safety and Risk Services will become involved when a complainant feels their complaint has not been adequately addressed at the departmental level and they have completed the Workplace Bullying & Harassment report form described above.

Upon receiving a report of workplace bullying and harassment, Safety and Risk Services will first determine whether the Supervisor was informed of the incident and what steps, if any, were taken to resolve the situation.

i. If it is determined that additional action is required, the Supervisor will be advised of such and will be advised to contact their employee group representative, Human Resources, or Academic Relations, where appropriate, to assist in the resolution of the complaint.

The identified resource group will work together with the Supervisor and/or Department Head and the complainant to develop and implement appropriate resolution strategies. It is expected that the Supervisor and/or Department Head will prepare a summary report that outlines the recommended actions and timeframe for implementing these recommendations. This report will be submitted to Safety & Risk Services.

ii. If it is determined that a new investigation is required, Safety and Risk Services will conduct the investigation. Alternatively, an external investigator will be hired, as required, to conduct sensitive or complex investigations or where a perceived or real bias is identified. Upon completion of this investigation, a report will be prepared that outlines the findings of the investigation and recommended mitigation and resolution strategies.
A copy of the final report will be provided to the Supervisor and/or Department Head and the Chief Safety Officer.

Resolution and Follow-up

The complainant and alleged bully will be advised when the investigation process is concluded and will be provided with a summary of the recommendations. In appropriate circumstances, employees may be referred to SFU’s Employee and Family Assistance Program or be encouraged to seek medical advice. Employees will be advised that a claim can be submitted to WorkSafeBC if a mental disorder resulting from workplace bullying and harassment is diagnosed by psychiatrist or psychologist.

If the complaint is substantiated, disciplinary measures may be implemented against the bully/harasser. If the complainant disagrees with the outcome of the investigation, he/she may contact WorkSafeBC.

It is strongly recommended that the Supervisor and Department Head meet to review workplace procedures and implement appropriate training to reduce the risk of any future bullying and harassment incidents in the workplace.

8.0 Education and Training

All employees at Simon Fraser University must participate in workplace bullying and harassment training. An online training module is available for both employees and supervisors that provides an overview of the WorkSafeBC requirements and SFU’s program. In addition, training sessions will be provided to departments and service units upon request. An external training provider will be brought in to deliver focused training workshops to areas/departments, when deemed necessary.

Supervisors are encouraged to participate in the management courses offered by Human Resources, including Managing Conflict in the Workplace and Managing Mental Health at Work.

9.0 Annual Review

The Workplace Bullying & Harassment program, including the Respectful Workplace Policy, will be reviewed on an annual basis by the Workplace Bullying & Harassment Advisory Group, in consultation with the Central University Health and Safety Committee and employee groups on campus.