

Webinar:

HARASSMENT IN THE WORKPLACE: IT'S OUR RESPONSIBILITY TO ACT

Guest Speaker

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LSA 81.19. Every employee has the right to a workplace free of psychological harassment. The employer must take reasonable means to **prevent** psychological harassment and, when such behaviour is brought to their attention, **make it cease**.

Every Year
1 in **5**
Canadians
will experience
a mental health
problem or illness*

1 in **3**
Canadians
will experience a
mental illness at
some point
in their life.**

70%
of Canadian employees are
concerned about workplace
psychological health and safety



and
14%
feel their work
environment is not
healthy or safe.***

23%
of Canadians are comfortable
talking about mental illness
with their employer.***



60%
of people with a mental
health problem or illness
won't seek help for fear
of being labeled.*

Source: *First Report to the Deputy Minister Office of the Ombudsman for Mental Health*, September 2017

Webinar objectives

Goals

- Identify management practices that have a positive impact on preventing inappropriate workplace behaviour;
- Promote civility in the workplace as a main prevention tool;
- Understand the mechanisms that facilitate disclosure in the workplace;
- Identify the main steps of treating a complaint as well as useful resources;
- Determine the first steps to implement the plan, depending on the organizational context.

Goals

- **Knowing the new legal context;** **BREAKING NEWS!**
- Identify management practices that have a positive impact on preventing inappropriate workplace behaviour;
- Promote civility in the workplace as a main prevention tool;
- Understand the mechanisms that facilitate disclosure in the workplace;
- Identify the main steps of treating a complaint as well as useful resources;
- Determine the first steps to implement the plan, depending on the organizational context.

Modification of the *Labour Standards Act*

Adoption on June 12, 2018 of the Bill amended the *Labour Standards Act* and other legislative provisions, mainly to facilitate work-life balance.

Explicit addition of sexual harassment:

“To be more precise, psychological harassment includes such behaviour when it is exhibited through such words, actions or gestures of a sexual nature.”

Modification of the *Labour Standards Act*

The employer's obligation:

“The employer must namely **adopt** and **make available** to his employees a **prevention policy** for psychological harassment and **handling complaints**, including among other things a component concerning conduct that is exhibited through words, actions or gestures of a sexual nature.”

Start date for this LSA requirement: January 1, 2019

Statute of limitations for a complaint with the CNESST:

2 years

Other new law: Bill C-65 (Federal)

Law amending the Canadian Labour Code (harassment and violence), passed at 3rd reading on May 7, 2018.

What is psychological harassment?

According to the Labour Standards Act (LSA), in order for there to be psychological harassment, the behaviour the employee is complaining about must:

- Be vexatious and repeated or vexatious and severe;
- Be hostile or undesired by the employee;
- Attack the dignity or the physical or psychological integrity of an employee;
- Foster an unhealthy work environment.

Who are the workers protected by the LSA?

Between which persons can psychological harassment occur?

The many faces of harassment

Harassment can show itself in different ways for different people, such as:

- Preventing them from expressing themselves
- Isolating them
- Disgracing them
- Discrediting them
- Threatening them, being aggressive towards them
- Destabilizing the person.

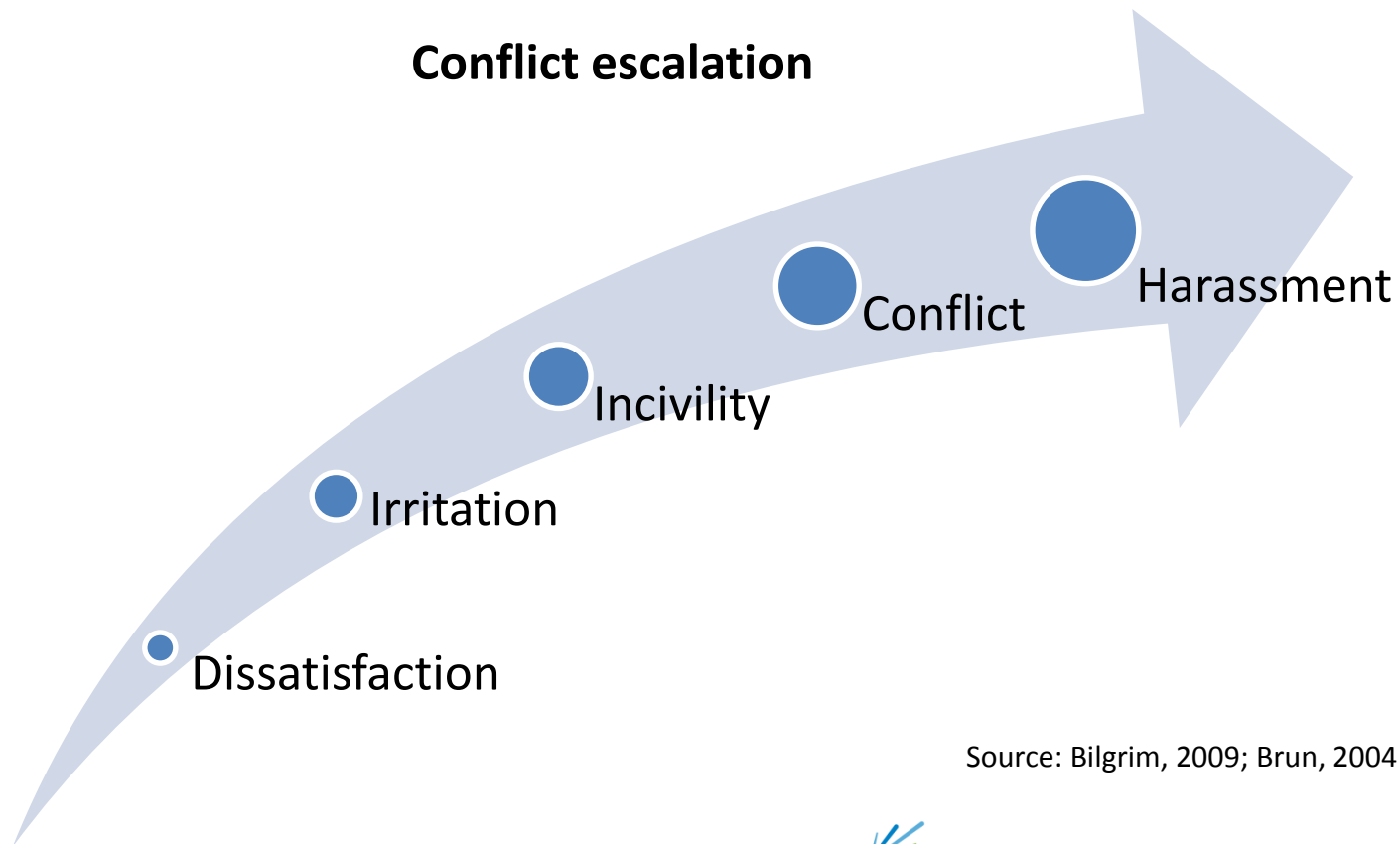
Consequences of harassment:

- On individuals
- On work teams
- On the company
- On society.

Where does psychological harassment come from?

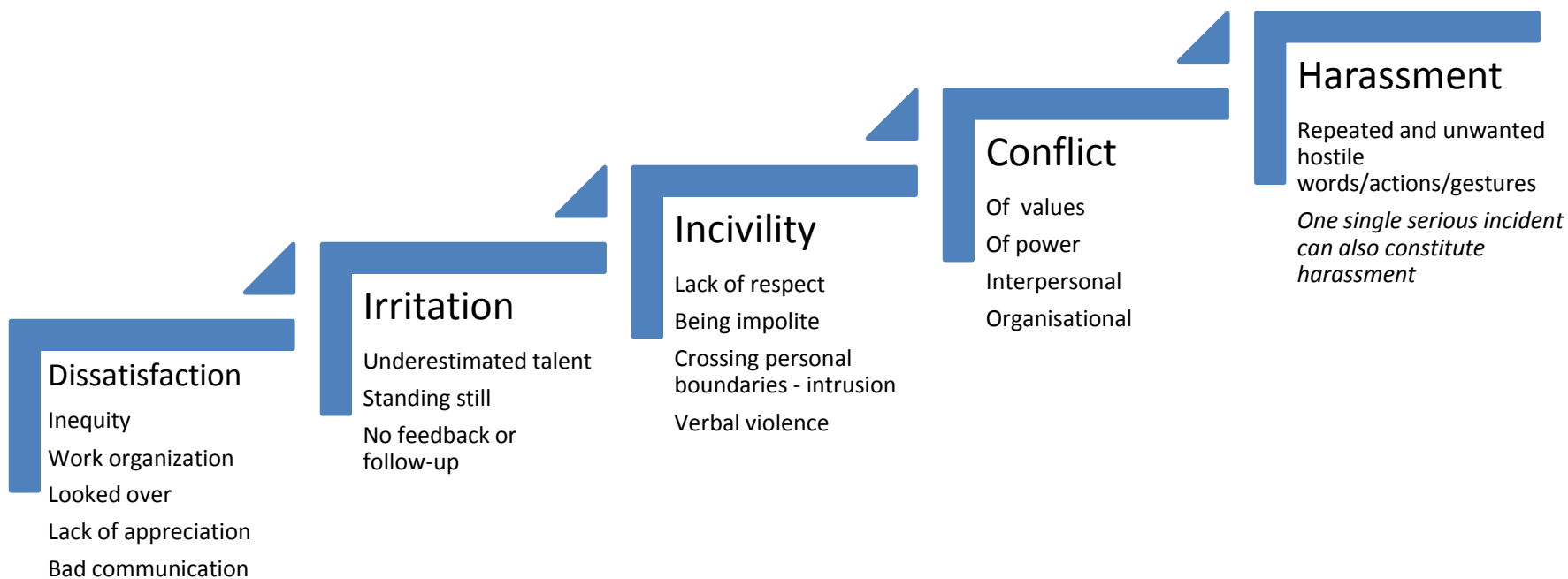
The World Health Organization lists certain situational risks that have an influence on the probability of psychological harassment appearing in a company.

Where does psychological harassment come from?



Source: Bilgrim, 2009; Brun, 2004

Where does psychological harassment come from?



Prevention Strategies

Prevention Strategies

1. Establish a base: adopt a policy and circulate it
2. Adopt an integrated approach
3. Invest in training to change behaviours
4. Focus on civility

Policy template

1. Goals: Formal commitment from the organization
2. Fields of intervention:
 - Targets: clients, suppliers and self-employed individuals
 - Location: establishment, social media
 - Timeframe
3. Definition of harassment
4. Shared responsibilities: Employer, managers, employees, stakeholders
5. Disclosure mechanism:
 - How to disclose and whom to disclose to, according to the presence or not of a CHRP or CIRC within the organization, the position held or the relationship with the person concerned.
 - Accessible support measures

Policy template

6. Process for handling complaints:
 - First filter of admissibility
 - Mediation
 - Framework and steps for the investigation
 - Delays in treatment
 - Confidentiality
 - Report and recommendations
7. Corrective measures and support measures (individuals and teams)
8. Follow-up after the investigation or mediation
9. Responsibility of the policy: interpretation, updating, circulation.

Seizing opportunities: HR processes

- During the hiring interview
- When verifying a candidate's references
- During integration
- During the probation period
- During performance evaluation meetings
- During a contract renewal
- During work relations committee meetings (unionized or not)
- Through health and safety or wellness committees
- By analyzing grievances
- In the context of leaves of absence for illness or disability
- During exit interviews.

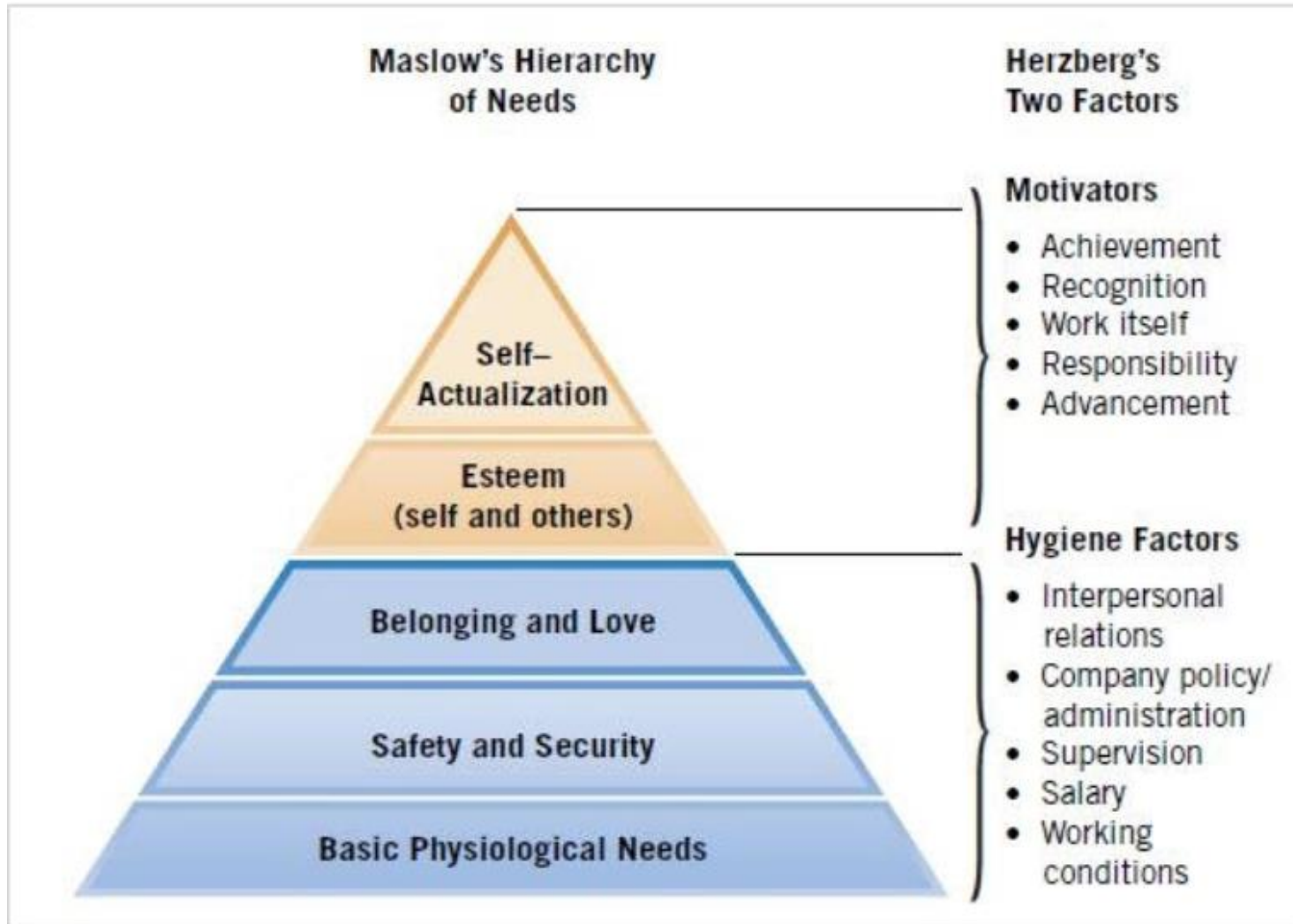
Civility: A Powerful Tool for Prevention

What do we mean by civility?

Carter (1998): “Civility is ... **the smallest common denominator in our interpersonal relationships...**”.

The rules of civility can vary from one environment to another, but the following rules are unanimously agreed upon:

- Respect
- Collaboration
- Politeness
- Know-how
- Courtesy



Examples of civility

- Congratulate a colleague for completing a project or the way they accomplish a task
- Be in a good mood/have a positive attitude
- Attend meetings on time
- Replace items and equipment where they belong
- Close your door to avoid disturbing colleagues
- Knock on someone's door before going inside
- Answer emails and telephone messages in timely fashion
- Maintain a clean and tidy workplace.

Examples of incivility

- Gossiping or slander
- Rumours
- Not offering help
- Unpleasant look
- Impatient or loud tone
- Making noise
- Rude gestures
- Condescending attitude
- Negative attitude
- “Cold” emails with a series of people cc’ed
- Belittling someone in front of a group
- Not taking responsibility for their mistakes
- Withholds information
- Little tolerance for different rhythm of work
 - Care
 - Digital changes
- Create cliques
- Ignore a colleague
- Exclude a colleague
- Take the credit for the hard work of others.

Prevention strategies – CPHR civility file

CIVILITÉ : STRATÉGIES DE PRÉVENTION



Only available in French

Efficient strategies

- Give the employees the mandate of developing the civility code for your organization.
- Train and update people regularly on workplace civility.
- Use each meeting with employees as an opportunity to renew expectations, such as with health and safety.
- Organize discussion groups on the workplace environment.
- Encourage employees to come talk about what is bothering them, what they've observed and what goes against the expectations they've been taught.
- Create a subcommittee to promote civility
- Use the workplace mediator model.

Disclosure mechanisms

Disclosure mechanisms

Adapt to the context of the organization
Keep a neutral perspective



Dealing with complaints

Handling Complaints

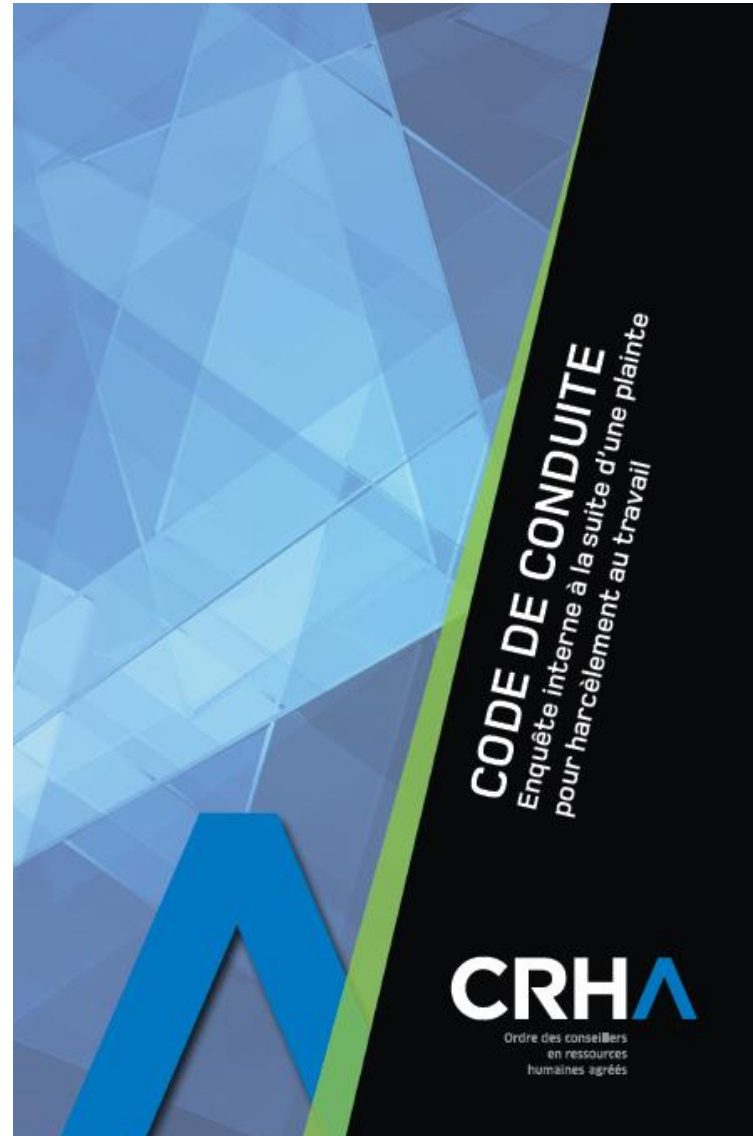
1. Go over your policy on the matter
2. Inform the accused party that a complaint regarding them has been filed
3. Consider a transitional measure
4. Study the complaint's admissibility
5. Suggest mediation when appropriate
6. Proceed to an investigator
7. Analyze and conclude
8. Follow-up

Important to take into consideration: if the behaviour being reported is of a criminal nature, the appropriate authorities should be warned.

Complaint admissibility

- Frivolous complaint
- Vexatious complaint or made in bad faith
- Presence of every component of the definition
- Repeat behaviour or isolated incident
- Intention
- Reasonable character
- Sexual harassment

Code of conduct



The investigation

The investigator:

- Competence
- Impartiality
- Confidentiality

1. Developing the investigation mandate
2. Preparing the investigation
3. Relationships with parties and witnesses
4. Interviews
5. Analysis and conclusion
6. Writing the report **and recommendations**
7. After the investigation

What if there was no harassment?

Assembling the Pieces

An Implementation Guide to the National
Standard for Psychological Health
and Safety in the Workplace



En étroite collaboration
avec



The government invests in accompaniment.

June 22, 2018: The Quebec government announces a \$6 million dollar project over three years, dedicated to supporting employees and employers.

Questions



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Thank you for participating in this webinar. We invite you to visit the following websites to learn more about psychological health and safety in the workplace:

- <https://www.mentalhealthcommission.ca/English/what-we-do/workplace>
- <https://www.groupeentreprisesensante.com/fr/service/documentation/>

This webinar on mental health is part of a series of four. See past webinars or save the upcoming dates in your calendar: June 27, October 31, November 28, 2018, and February 27, 2019.

Visit:

<https://www.groupeentreprisesensante.com/fr/service/webinaires/>



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