

Complaint and inquiry procedures

Workplace bullying and harassment

Complaint and inquiry procedures

Q: What is “bullying and harassment”?

A: Under WorkSafeBC laws, 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.

Complaint review

After receiving your completed questionnaire, a prevention officer will review it to ensure your complaint is consistent with WorkSafeBC bullying and harassment laws. If it isn't, we will notify you and briefly explain why that's so. For example, if the officer determines the complaint is associated with managing a worker's performance, taking reasonable disciplinary actions, or assigning work, it may not be considered bullying and harassment.

If your complaint is solely that your employer has failed to adhere to bullying and harassment legal requirements – in other words, your employer has no bullying and harassment policy and procedures in place – a prevention officer can ensure your employer complies with these requirements.

If your complaint is consistent with WorkSafeBC laws, and it concerns ongoing or previous incidents of workplace bullying and harassment, WorkSafeBC will pursue your complaint as follows:

WorkSafeBC follow-up

Once we've determined that a complaint warrants follow-up, here's what will happen next:

- A prevention officer will contact you to discuss your complaint and let you know how we will be responding to it.
- The prevention officer will contact the employer in question and make initial inquiries about the employer's bullying and harassment policy and procedures. The officer will also ask the employer about any actions taken in response to the alleged bullying and harassment. This inquiry includes such questions as the following:
 - Has the employer implemented bullying and harassment requirements, such as having a policy and procedures to train workers, to investigate, and to follow up on complaints?
 - Was the employer aware of the alleged bullying and harassment?
 - Has the employer conducted an investigation into the alleged bullying and harassment?

- Have corrective actions been taken to address the alleged bullying and harassment?
- In many cases, after being contacted by a prevention officer, an employer will conduct an investigation, address the situation, and ensure the organization meets all bullying and harassment legal requirements. Once the prevention officer ensures the employer is complying with his or her obligations, we, as WorkSafeBC, will cease being involved with the complaint.
- In other cases, the prevention officer will need to conduct further inquiries into the matter. This may be needed in particular circumstances, such as:
 - The employer has conducted an investigation into alleged bullying and harassment, but the investigation is found to be inadequate or flawed.
 - The employer has not taken the necessary steps to prevent and address the alleged bullying and harassment.
 - The employer has failed to implement all bullying and harassment requirements.
- These inquiries could involve checking the employer's policy and procedures, reviewing any previously conducted bullying and harassment investigations, and interviewing persons who can provide information pertaining to the complaint, including the employer, the alleged bully, and other witnesses.

- The prevention officer can instruct the employer to address the complaint and to comply with all bullying and harassment laws. The officer may write orders or take other enforcement action, including imposing a penalty against an employer, as considered necessary for the employer and any supervisors or workers.
- Both the complainant and the employer will be notified of the outcome of the inquiry.

Confidentiality

Your confidentiality is important to us. However, our main objective is to address your complaint by ensuring the employers, supervisors, and/or workers in question comply with bullying and harassment laws. In order to do this properly, we may not be able to maintain your confidentiality.

Other considerations

You may also seek other forums for addressing your complaint independently of the one you've filed with WorkSafeBC. These include the BC Human Rights Tribunal, the Employment Standards Branch, or the police. Please be aware we will not be contacting these organizations on your behalf.

If you believe you have suffered adverse consequences in your employment as a result of raising a complaint of workplace bullying and harassment, you may wish to file a complaint of discriminatory action with WorkSafeBC. (For more information, visit worksafebc.com, click on "Safety at Work," then "Discriminatory action complaints.")