

PHC Respect at Work for Leaders – Summary of Online Module

A healthy workplace can:



- Increases engagement
- Increases work satisfaction
- increases productivity
- Increases retention of great employees



- Reduces interpersonal conflict
- Decreased absenteeism,
- Decreased turnover and complaints

Manager's role in creating a respectful workplace:

- Set the tone by **MODELING** the kind of behavior you wish to see.
- When you see, or are made aware of, an unacceptable behavior, **TAKE ACTION** to address the issue as quickly as possible so that small problems do not become big ones.
- **EDUCATE YOURSELF AND YOUR TEAM** with the Respectful Work Policy and take time to address respectful work conduct during the performance management process.
- Take all complaints regarding unacceptable conduct seriously and respond to them quickly and fairly.
- Do this by **FACILITATING** an informal resolution.
- If this does not work, or if needed, you are responsible for **ESCALATING** the issue to a formal complaint and then **PARTICIPATE** in the formal resolution process as required along with your Human Resources Advisor.

Creating a positive work environment:

- Be proactive
- Take a step back and look at the bigger picture
- Educate yourself
- Don't let things slide
- Build Trust

Tips for having a difficult conversation:

- **Individual reflection.** Ask yourself:
 - “What exactly do I dislike about what was done or not done?”
 - “What do I want the other person to do or not do?”
 - “What is my intention?”
 - “Am I taking this personally?” “Should I be?”
- **Set the time:** initiate the conversation and agree on whether to do it now or set another time.
- **Describe the situation or problem:** tell the other person what you need or what creates a problem for you.
- **Express your feelings:** use “I” messages to describe how you feel.
- **Specify what you want:** state clearly, imply what you want the other person to do or not do.
- **Outline consequences:** Explain any practical, emotional, financial, health or other benefits to the change. Also include what will be done if the change is or isn’t made. *Do not* make threats.
- **Respond:** This is when the other who has been listening gets a chance to talk and it’s your turn to listen actively.

LEGAL FRAMEWORK

The Reach of Workplace Law

- The workplace extends beyond PHC’s place of work to include work-related activities such as staff parties, conferences and work-related travel.
- It can also extend to include off duty behavior if the conduct compromises the rights of the organization or its employee’s.
- **Arbitrators recently upheld employer’s decisions to terminate and suspend employees for their inappropriate use of social media such as Facebook, Twitter and Youtube.**
- Ways to help your staff conduct themselves outside of work:
 - **Email Addresses:** Always use personal email address, not work email address.
 - **Disclaimer:** Employees should consider using a disclaimer to make clear that the views expressed are their own and not those of their employer.
 - **Add Value:** use social media sites to add value to the organization.
 - **Think before you click:** if you are about to publish something that makes you even the slightest bit uncomfortable, review it and reconsider. What you publish online is your responsibility.

Charter of Rights and Freedoms

- Requires that federal and provincial law treat all people fairly without discrimination.
- The Charter requires that each province and territory have human rights laws in place to protect the fundamental rights and freedoms of its inhabitants.
- In BC, that law is the *Human Rights Code of British Columbia*

Human Rights Code

- Guarantees the rights and opportunities of all people without discrimination
- Critically important as a manager because this is *not just a policy breach but a violation of the law*.
- Protects against discrimination based on a ***list of prohibited grounds***
 - Race
 - Color
 - Ancestry
 - Place of origin
 - Political belief
 - Religion
 - Marital status
 - Family Status
 - Physical or mental disability
 - Sex
 - Sexual orientation
 - Age
 - Criminal conviction (unrelated to employment)
- Legal obligations of the Human Rights Code:
 - **Individuals** are liable for their own actions
 - **Employers** are liable for their own actions, for the actions of employees and non-employees (contractors, clients etc.), and have an obligation to intervene when required
 - **Unions** are obligated to provide fair representation to all employees, and face human rights liability for failure to act on member's complaint
- If someone believes they have been discriminated against or harassed, they are entitled to file a Human Rights Complaint with the BC Human Rights Tribunal.

The Four Principles

- How can we tell when behavior has crossed the line?
- BC Human Rights Tribunal utilizes a deliberation process that tests questionable behavior against four principles.
 - **The Impact Test** – how did the behavior impact the person on the receiving end? The person who was impacted is the person who gets to say what that impact was.
 - **The Reasonable Person Test** – Would a reasonable person recognize the conduct as inappropriate in the workplace?
 - **The Balance of Probability Test** – Whose version of reality makes sense? Who is most credible in their version of events? Conducting this test requires fact finding. If necessary, consult with someone experience with investigations.
 - **The Legitimate Work Purpose Test** – the human rights code recognizes discrimination as *VALID* if it is based on a bona fide occupational requirement. For example, to perform the job of a pilot, a person employed as a pilot must meet vision standards and have the appropriate licenses. A legally blind person would be legitimately excluded from this position since he/she cannot meet these two bona fide occupational requirements.

WorkSafe BC/ Workers Compensation Act

- WSBC responsible for enforcing the Worker’s Compensation Act
- Also responsible for enforcing the OH&S Regulation of BC which promotes workplace health and safety and protects individuals from work-related risks.

WorkSafeBC Policies - Workplace Bullying and Harassment

- WorkSafeBC has approved three OH&S policies that deal with workplace bullying and harassment under Sections 115, 116, 117 of the *Workers Compensation Act* (November 1, 2013)
- What do these policies mean?
 - These policies define bullying and harassment and explain the duties of employers, workers, and supervisors to prevent and address bullying and harassment
- What do I need to do as a supervisor/worker?
 - Not engaging in bullying and harassment of other workers, supervisors, or the employer
 - Applying and complying with the employer’s policies and procedures on bullying and harassment
 - Reporting bullying and harassment observed or experienced in the workplace
- What is WorkSafeBC’s role in the enforcement of these policies?
 - WorkSafeBC prevention officers will respond to enquiries and concerns about bullying and harassment in the workplace through existing inspection practices

- The role of WorkSafeBC is to ensure that an employer has adequate policy, procedures and training to address bullying and harassment
- If an organization is found to be non-compliant with legal requirements for addressing bullying and harassment, WorkSafeBC can issue a legal order and/or fine

Bullying

- Bullying is acts or verbal comments that could ‘mentally’ hurt or isolate a person in the workplace.
- Common form of disrespectful behavior.
- Managers could be held liable if an employee suffers a mental disorder as the result of bullying that is not properly addressed.
- Typically involves **repeated** incidents or a pattern of behavior that is intended to intimidate, offend, degrade or humiliate a person or group of people.
- Bullying can be obvious and subtle. Some examples are:
 - Rumors
 - Isolating or excluding someone socially
 - Removing areas of responsibilities without cause.
 - Establishing impossible deadlines that will set up the individual to fail.
- Traits of Bullies include:
 - Using other people to get what they want
 - Dominating other people
 - Craving attention
 - Refusing to accept responsibility for their actions.
- Victims of bullying are often reluctant to come forward. This may be because:
 - They are unaware of the Harassment Policy
 - Afraid nothing will be done
 - Embarrassed

Harassment

- When deciding whether something qualifies as harassment, you need to take the frequency and intensity of the disrespectful behavior into account.
- All harassment is disrespectful behavior, but not all disrespectful behavior is harassment

1. Personal Harassment – unwelcomed conduct or comment which is objectionable or offensive to a person(s) which has effect of creating an intimidating, humiliating, hostile or offensive work environment and which serves no legitimate work purpose.

- Breach of Respectful Workplace Policy

Examples: swearing or yelling, making comments about another individual, making derogatory gestures.

2. Discriminatory Harassment – conduct involving unwelcomed comments or actions based on one of the 13 prohibited grounds that has the effect of creating an intimidating, humiliating, hostile or offensive work environment.

- Breach of Respectful Workplace Policy and violation of BC Human Rights Code.

3. Sexual Harassment – unwelcomed conduct of a sexual nature that detrimentally affects the work environment or has adverse job related consequences.

- Breach of Respectful Workplace Policy and violation of BC Human Rights Code.

Examples: Unwelcome remarks, jokes or innuendos about a person’s body, sex, or sexual orientation.

Gossip

- Even if you don’t initiate it, you encourage gossip by listening to it.
- Gossip decreases productivity, wastes time, decreases trust and morals, creates divisiveness among employees.

Appreciate Diversity

- Many of us can interpret respect in situations differently than our co workers and staff. Things such as cultural influences, personal values or even the kind of day we are having will affect our interpretation of a situation and respectful behavior.

Definitions:

A respectful workplace: A work environment in which all employees are treated with respect and dignity and that is free from discrimination, harassment and disrespectful behavior.

Diversity: is more than just gender, racial or ethnic differences. It is simply otherness; any human qualities that are different than our own.

Bullying: Canadian Centre for OH&S (CCOHS) defines workplace bullying as “acts or verbal comments that could ‘mentally’ hurt or isolate a person in the workplace.”

Discrimination: treatment or consideration of a person based on the group, class or category to which that person or thing belongs, rather than on individual merit.

PHC *Respect at Work* Policy Definition of Disrespectful Conduct:

“Includes actions or comments that are degrading, demeaning or otherwise offensive behaviours resulting in an uncomfortable, hostile and/or intimidating work environment.”

WorkSafe BC Definition of “bullying and harassment:”

“(a) includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause the worker to be humiliated or intimidated, but

(b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.