

Human Rights & Equity: Frequently Asked Questions

Bullying in the Workplace – What is workplace bullying?

Bullying may be characterized as persistent behaviour that is offensive, insulting, intimidating, humiliating or abusive towards an employee or group of employees. Workplace bullying is usually intentional in nature and an attempt to exert power or control over the target.

Bullying tactics in the workplace often include repeated incidents of unwarranted criticism, trivial fault finding, exclusion, isolation, being singled out and treated differently, excessive monitoring, verbal putdowns and insults.

ONA members may be bullied not only by other healthcare professionals such as supervisors, managers, co-workers or physicians, but also patients or their family members.

The terms bullying and psychological harassment/abuse/violence are often used interchangeably. Horizontal or lateral violence refers to bullying that is directed at co-workers who are at the same level within an organization's hierarchy.

Whatever terms are used, these repeated acts clearly cause humiliation, upset and stress. Employees who are bullied may experience loss of confidence and self-esteem, inability to concentrate, family tension and stress, anger, depression, anxiety and a number of physical symptoms.

Several recent studies have indicated that up to 70 per cent of nurses who are bullied leave the profession.

What protections exist against workplace bullying?

The law in the area of workplace bullying is in a developmental phase and the rights and obligations of employees and employers will become more certain as more grievances are decided by arbitrators.

ONA members and other unionized employees may have protections rooted in occupational health and safety provisions and management rights provisions in a collective agreement. It is ONA's position that employers have a duty to ensure the psychological safety of workers and must exercise managerial authority in a non-abusive, non-harassing manner. Employers must provide immediate, appropriate intervention to stop the bullying.

The Ontario *Human Rights Code* provides protections for employees in some circumstances. When the bullying has a focus, for example, race or gender, it is expressed as racial harassment or sexual harassment.

The *Human Rights Code* prohibits discrimination and harassment in employment based on any of the following grounds: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex, sexual orientation, age, record of offences, marital status, family status and disability. These protections are incorporated in all ONA collective agreements.

What is clear so far is that not all offensive behaviour will be considered bullying. Some individuals are not good at personal interactions and some managers are not good at managing staff with courtesy and respect. They can make the workplace unpleasant or even miserable however this does not always mean that their behaviour is bullying.

In addition, ONA members need to be aware that it is not just the character of the incidents but the number, the frequency and especially the pattern that will determine whether there is bullying.

In many instances, employers will have policies and procedures on preventing and responding to workplace harassment and other forms of abuse. Your ONA representative can assist you in utilizing these policies and procedures to obtain remedies. In addition, ONA will file grievances in appropriate cases.

What can you do if you are bullied?

- **Tell the bully to stop.** Firmly tell the person their behaviour is not acceptable.
- **Speak out and get support.** Being the target of bullying can be very isolating. Talk to someone you trust and contact your Employee Assistance Program (EAP) provider.
- **Report the bullying.** Ask an ONA representative to be present with you when you report the bullying to your employer.
- **Make a complaint.** An ONA representative can assist you in using the complaint procedures in your employer's policy on workplace harassment and abuse. In appropriate cases, the Union will file a grievance under the collective agreement.
- **Keep records.** Record detailed notes labeled "made for my lawyer." Make notes of each incident with the date, time, what happened, the names of witnesses and how it made you feel. Keep copies of any letters, memos, or e-mails received from the person.

Contact your Bargaining Unit Human Rights and Equity Representative, Bargaining Unit President and /or your servicing Labour Relations Officer for further advice/support.