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BULLYING IN THE WORKPLACE

The Workers Compensation Amendment Act, 2011 (Bill 14), passed last year, expands the coverage of injuries to include mental disorders and stress arising from workplace bullying and harassment.

The bill places additional emphasis on employers to take reasonable steps to reduce the risk of compensable WorkSafeBC claims caused by work-related stress as result of bullying and harassment.

Preventing bullying and harassment

The first step every employer should take to prevent bullying and harassment is to establish a Bullying and Harassment Policy. Having a policy will make it easier to eliminate inappropriate workplace conduct that may result in WorkSafeBC mental stress claims against your organization.

Employers should focus their efforts on:

- Developing guidelines for responding to bullying and harassment complaints.
- Providing all staff, including management, with training and education pertaining to workplace bullying and harassment. All employees should be clear about expectations for appropriate behaviour, while supervisors and managers should know how to implement the policy and be able to recognize and control bullying and harassment.
- Regularly re-assessing your workplace for risks of bullying and harassment.



- Keep up-to-date on occupational health and safety information available.
- Maintain best practices and resources referred to on the WorkSafeBC website (such as the anticipated WorkSafeBC Bullying and Harassment Tool Kit) and consider policy developments.

Employers have a duty to maintain the safety of their workplace and to ensure that employees do not engage in "any improper activity or behaviour...that might constitute a hazard." As a best practice employers are encouraged to establish a Bullying and Harassment Policy for their workplace. To download a Policy Template visit the members section of CSSEA's website.

YOUR FEEDBACK MATTERS

Please send your suggestions and comments to improve communications to the Director of Communications, Thomas Marshall by email to tmarshall@cssea.bc.ca.

“The first step every employer should take to prevent bullying & harassment is to establish a Bullying & Harassment Policy.”

CEO REPORT



Gentil Mateus and Eric Peraro after their presentation to the BC CEO Network.

I am very pleased that we now have ratified collective agreements for all three service divisions of the community social services sector. These agreements provide improvements to all four areas identified by members as priorities for this round of bargaining: recruitment and retention, controlling benefit costs, greater management flexibility and improved relationships with the unions and employees. The bargaining team members and chief negotiator Peter Cameron deserve our thanks for the many skills they brought to the table, the long hours of work and their dedication helping us reach these agreements.

We are also putting the finishing touches on the new Community Social Services Workforce Information System (WFIS) to launch later in May. The new system is an important step to meeting our goal of making CSSEA a leader in human resources and labour relations and a trusted advisor to our members and government by creating a centralized data repository for the sector. It will build on our already much improved data capability for the purposes of accurate costing and assists with funding decisions for future collective agreements.

Developed in consultation with the Data Advisory Committee, WFIS was

designed not only to improve the quality of data, but also with members in mind.

The new system will combine four surveys into one, thereby reducing duplication and saving time. Additionally, WFIS will provide members with the ability to generate confidential member-specific reports for comparing their agency against the sector.

To help members become familiar with the system regional orientation sessions are planned in May. Visit the website for more information regarding the meetings, the system and who should attend.

As a reminder, CSSEA's AGM and Conference is scheduled for October 1 to 3, in the beautiful harbour city of Nanaimo. Planning is well underway for the AGM and Conference, which will also be the kickoff to the start of CSSEA's 20th anniversary year. I encourage you to set aside these dates as it should be a convention to remember. Please be on the lookout for more information.

Send your questions to gmateus@cssea.bc.ca



ASK AN HRLR CONSULTANT



JENNIFER NUTTALL

Q: How often should employees be asked to review an organization's Policy & Procedures Manual?

A: An employer has an ongoing obligation to inform employees of updates to policies & procedures. Employers should encourage employees to review amended policies on an individual basis.

Additionally, employers are strongly encouraged to implement a system whereby employees are provided with a full copy of the Policy & Procedure Manual on an annual basis (either a hard copy or access to a virtual copy), and to require each employee to sign an official receipt confirming that they have received, and understand, the contents of the Manual. Copies of the annually signed receipts should be placed on each employee's personnel file.

WHAT IS WORKPLACE BULLYING AND HARASSMENT?

The Canadian Centre for Occupational Health and Safety (CCOHS) defines workplace bullying as “acts or verbal comments that could ‘mentally’ hurt or isolate a person in the workplace. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people.”

CCOHS defines harassment as “any behaviour that demeans, embarrasses, humiliates, annoys, alarms or verbally abuses a person and that it is known or would be expected to be unwelcome. This includes words, gestures, intimidation, bullying, or other inappropriate activities.”

It is important to remember that bullying behaviour can be both obvious and subtle and is often characterized by more than one incident.

Possible Examples of Bullying & Harassment

- Spreading malicious rumours, gossip, or innuendo that is not true.
- Excluding or isolating someone socially.
- Intimidating someone.
- Undermining or deliberately impeding an individual’s work.
- Physically abusing or threatening abuse.
- Removing areas of responsibilities without cause.
- Constantly changing work guidelines or processes.
- Establishing impossible deadlines that will set up the individual to fail.
- Withholding necessary information or purposefully giving the wrong information.
- Making jokes that are ‘obviously offensive’ by spoken word or email.
- Intruding on someone’s privacy by pestering, spying, or stalking.
- Assigning unreasonable duties or workload which are unfavourable to one person (in a way that creates unnecessary pressure).
- Under-utilizing an individual – creating a feeling of uselessness.
- Yelling or using profanity.
- Criticizing someone persistently or constantly.
- Belittling an individual’s opinions.
- Unwarranted (or undeserved) punishment.
- Blocking applications for training, leave or promotion.
- Tampering with an individual’s personal belongings or work equipment.

WHAT IS NOT WORKPLACE BULLYING AND HARASSMENT?

Often, there is a “fine line” between the exercise of management rights and bullying.

In essence, the exercise of bona fide management of employees does not constitute harassment or bullying. Comments that are objective and are intended to provide constructive feedback are not usually considered bullying, but rather are intended to

assist the employee with their work.

In fact, The Workers Compensation Amendment Act, 2011 (Bill 14) specifically excludes mental disorders caused by a decision of the employer relating to the worker’s employment including:

- a) A decision to change the work to be performed by the worker;
- b) A decision to change the working conditions;
- c) A decision to discipline the worker;
- d) A decision to terminate the worker’s employment.

If you are not sure whether an action or a statement could be considered bullying, you can apply the “reasonable person” test, which asks: would most people consider the conduct in question to be acceptable or unacceptable?

“Would most people consider the conduct in question to be acceptable or unacceptable?”

IN PROFILE: KEYS HOUSING AND HEALTH SOLUTIONS



Tell us about your agency
and your mission?

Originally founded in 1992, we are a non-profit, charity organization, located in North Surrey which provides social services to disadvantaged populations throughout Metro Vancouver.

Our mandate is structured through our mission, as well as through our contracts.

Our mission dictates that we provide services to all community persons in order to allow individuals to access services and supports to be successful in life.

Through our mission we identify appropriate contracts with similar values and goals.

What services do you offer
and who are your major
fundings?

KEYS delivers nineteen programs, covering two areas of service: Health Solutions and Homeless Solutions.

The Health Solutions we provide include a free medical clinic, non-profit dental clinic, an on-site six-unit low-cost housing facility, women-specific programming, a high-protein supplemental food bank, a community garden and a support lounge for individuals infected and affected with blood-borne pathogens including HIV/AIDS and Hepatitis. These services are funded by a contract through the Fraser Health Authority, Public Health Agency of Canada and through generous community donations and volunteers.

The Homeless Solutions we offer include a twenty-four hour drop-in facility and a year-round 40-bed homeless shelter. We also operate a daily meal program, outreach, corrections support, a housing program, and a referral program for disadvantaged youth and a ten-bed male second stage recovery facility. This portion of the Society's programming is primarily funded through BC Housing contracts, Ministry of Social Development and SFCS Foundation.

Tell us about any major
achievements?

Last year, we achieved accreditation from the Council on Accreditation (COA) to improve service delivery outcomes by developing, applying, and promoting accreditation standards in all of our programs.

Additionally, we re-branded our agency to better communicate our mission with the public and most importantly our clients. To celebrate our new name we held a re-branding gala in November 2012.

How many staff do you
employ and how do you
support them?

We employ between 90 and 100 people and offer a variety of programs to aid in staff retention and professional development. To support staff development we have on-site trainers and have an education training fund to refresh and upgrade skills of our employees. We also organize staff appreciation barbecues and recognize employee anniversary's at KEYS.



KEYS Housing & Health Solutions staff at the organization re-branding Gala.

NEW STAFF



THOMAS MARSHALL joins CSSEA as the new Director of Communications. Thomas has a wide range of skills, experience and knowledge gained from working in the public, the non-profit and the private sectors.



SHANNON BENTLEY joins CSSEA as Advocate, Aboriginal Services. Shannon brings more than 20 years of experience as a lawyer and policy analyst focused on Aboriginal Issues in Canada and Washington State.

LEARN MORE

Visit www.cssea.bc.ca to read biographies of CSSEA staff in the About Us section of the website.

SECTORAL CASE UPDATES

Rate of pay at time of hire

Issue: The Union claims that employers can only hire at the wage rate on the wage grid and if they hire at a higher rate (i.e. through error or as a recruitment tool), the Union insists that the employer must pay all employees at that higher rate; regardless of overall cost and impact.

Status: The matter remains before Arbitrator Brian Foley. CSSEA challenges the Union’s ability to advance these arguments.

Wage Grid Progression re:

Hours worked outside

regular classification

Issue: The Union claims that all hours worked by an employee must be used to progress through the steps of the wage grid, regardless of the classification in which they are performing work. CSSEA’s position continues to be that only hours worked in exactly the same classification/ position can be applied to the steps of the wage grid.

Status: Arbitrator Wayne Moore remains seized of this matter. The file was placed in abeyance pending discussions at the bargaining table.

Expedited arbitration

process

Issue: Setting dates for regional expedited hearings in 2013.

Status: The parties have begun to schedule expedited dates for 2013 on a regional basis. The next date will be June 4th in Prince George with Arbitrator McConchie. Other locations, such as the dates for the Lower Mainland, are pending confirmation.



We expect a table of confirmed dates to be available on the CSSEA website shortly, posted in the Members Section under the Legal tab.

Article 29.4 Harassment

Complaint Protocol

Issue: Developing a more efficient and less disruptive administration of harassment complaints.

Status: The parties have agreed to implement a harassment complaint protocol to efficiently and effectively resolve harassment complaints. The protocol for each union is expected to be available shortly and will include the unions agreement to share equally in the cost of determining a course of action for complaints.



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