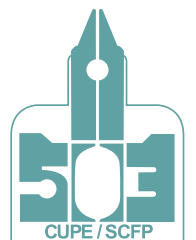




# CANADA'S OTHER TOXIC WASTE CRISIS

**HOW BULLYING and TOXIC WORKPLACES  
are RUINING WORKERS' LIVES and  
WASTING PRECIOUS HUMAN CAPITAL**



# INTRODUCTION

For Beth, the long-term care facility she worked in had always been tough – long hours, physically demanding work, constant demands from residents, and complaints from families about things that weren't even her responsibility. And things only got worse when cuts in government funding led to cutbacks on the job. People were laid off; the quality of care declined; and a work load that had always been pretty rugged now became totally impossible. At the end of her shift, Beth would go home so wired she couldn't enjoy her time with her family. And she was tired all the time, even on her days off.

Of course, Beth wasn't the only one to feel the pressure – which was clear from the way her co-workers started to treat each other in the workplace. Squabbles would break out, often over the most trivial matters. Staff would blame each other when things went wrong – which was pretty much all the time now, given how short-staffed they were. And people she thought were her friends turned on her and tried to show her up – no doubt hoping to make themselves look good.

Just when she thought things couldn't get any worse, they did. The company that owned the facility got rid of her boss, who, while demanding, had always been fair and had treated people with respect. In his place they brought in a 'hot-shot' from Toronto who had a reputation for shaking up organizations and squeezing employees – all in the name of a fatter bottom line. Beth had a bad feeling about the woman, but was determined to make things work. She had to – being a single mother with two kids in primary school. For a while, things seemed to be going not too badly – that is, until Beth pointed out to her new boss that one of the shortcuts she had been told to take would damage patient care. While nothing was said at the time, Beth could feel the chill from then on in. Her boss grew more critical of her – constantly nitpicking and complaining that Beth worked too slowly and her stats weren't as high as those of her fellow workers. And she started to ridicule Beth in front of her fellow workers and make snide comments about her work. Beth felt shamed and this public ridicule made her wish she could crawl under a rock and hide. Eventually, it got to her and she started to take her work problems her previously. She found herself waking up at three in the morning, unable to get back to sleep, with the events of the previous day whirling around inside her head. And she found herself crying for no apparent reason. Then her physical health started to go – which is what eventually sent her to her doctor who wrote a note authorizing her to take three months sick leave. Unfortunately, three months was not enough, for by now Beth had a serious clinical depression – all thanks to a boss who didn't like employees questioning her orders, even if they were right.

So in the end, her boss got her way. Beth was gone – and she and her children were now scraping by on a dramatically reduced disability pension cheque. And the facility lost one more highly skilled worker with years of experience who would prove hard to replace.



## THE BULLYING EPIDEMIC

This dramatization, drawn from the experience of a number of public sector workers, is, unfortunately, all too true to life – representing, as it does, the experience of hundreds of thousands – maybe millions – of hard-working people who suffer many of the same indignities as Beth on a daily basis. Some even worse!

While no one knows exactly how many people are subjected to workplace bullying on any given day, the evidence suggests it's a lot. No great surprise for Canada's unions who have been listening to these horror stories for years – and doing their best to address the mess created by toxic job sites, workplace bullies and employers who refuse to act, either because they don't consider it a problem or – worse yet – because they approve of or encourage it.

Statistics show that bullying rates in Canada are generally higher than 2/3 of Western countries. It's also the conclusion of a growing body of research that shows workplace bullying to be more widespread than any of us had previously imagined. Take, for example, a nationwide survey reported by the Workers Health and Safety Centre which found that 45% of full-time, non-government Canadian workers report being bullied on the job. While this figure may be astounding, the survey also reveals that most employers have no idea how to grapple with a complaint about bullying in the workplace. Of the workers who did come forward to complain about bullying, half said nothing was done and one in four chose to leave their job because of the bullying. When you consider this statistic in the context of lost productive time and increased health costs, it is bad news not just for the victims of workplace bullying but bad news for workers, employers and the economy.

That's a lot of hurting people and a lot of lost productivity – which comes at a bad time, given our current economic climate where organizations are finding it hard to get and retain the experienced, highly skilled people they need to survive and thrive in an increasingly competitive world.

Faced with this bullying epidemic, the question is what can be done to arrest growing workplace abuse and whether we as a nation have the will to address it.

## WHAT EXACTLY IS WORKPLACE BULLYING?

To better understand workplace bullying, we first need to grasp what it is and why it is so lethal to workers and the organizations that employ them.

Basically, workplace bullying is a form of violence – usually not physical – directed against selected individuals in an organization with the sole aim of controlling them and possibly forcing them out. It differs from the usual cut and slash of the workplace by its intensity, viciousness and focus.



And it's most definitely not the usual rudeness, teasing and clowning around that most of us have experienced at one time or other on the job – which, while annoying, seldom leaves permanent scars. No, bullying is different – very different. It's supposed to leave a mark – and a big one at that.

The term 'workplace bullying' is actually fairly new, having been first coined in Britain in 1992 and later finding its way to the U.S. around 1998. But, if the phrase is new, the activity isn't – since the exploitation and abuse of the weak by the strong is as old as humanity itself. The problem is that it's getting worse – spurred on by cutbacks, the growing obsession with productivity and fatter bottom lines, and an increasingly individualistic and competitive society that says the only thing that matters is winning. As a result, some managers don't see their bullying behaviour as bullying but as an acceptable and effective way of increasing employees' productivity – which may in part explain the refusal of many organizations to recognize the problem and act on it. While that may be their belief, the research tells us that bullying harms employees and their productivity, which ultimately also undermines an organization's productivity and financial interests.

Bullying can be very direct, involving yelling or insults either one on one or in front of others. However bullying can also be very indirect and insidious: nitpicking of a person's work, moving deadlines or setting unreasonable and unachievable outcomes and then criticizing the person's failure to get the work done on time and as wanted, whisper campaigns that undermine the person in their co-workers eyes, excluding a person from social events or key professional opportunities. This kind of bullying, very similar to gaslighting, is just as damaging but can be harder to identify and complain about. Individual incidents can be minor and can sound trivial, even to the person being bullied. The person being bullied and/or others may think they are just being petty or oversensitive, with the bullying only recognized once we look at the entire pattern of the bully's behaviour over time.

Is anything being done to address the serious problem of workplace bullying?

## CHANGING LEGAL LANDSCAPE

In response to the growing public awareness of the magnitude and seriousness of workplace bullying, a number of recent legislative changes have been made in Ontario. These include significant changes to Ontario's *Occupational Health and Safety Act* as well as the *Workplace Safety and Insurance Act*.

On September 8, 2016, Ontario's *Occupational Health and Safety Act* was amended to expand employer's obligations regarding workplace harassment, namely by:

- » Creating new positive duties for employers to develop and maintain written programs in consultation with health and safety committees or representatives;
- » These programs must provide a complaint mechanism to report workplace harassment, set out how such complaints will be investigated, address alternate reporting mechanisms, must ensure that information gathered about a harassment complaint will not be disclosed unless necessary for the investigation or corrective action and



must also state how the results of an investigation and any corrective action are to be communicated;

- » The investigation must be “appropriate in the circumstances”; and
- » Ministry of Labour Inspectors have the power to order that an employer engage a third party at its own expense to conduct an investigation of a workplace harassment complaint.

At the same time as the obligations of Ontario employers were expanded, the legislature added a definition of “workplace sexual harassment”. The *OHSA* already defined workplace harassment as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. Workplace sexual harassment is defined as similarly vexatious conduct based on sex, sexual orientation, gender identity or gender expression and may also include making a sexual solicitation or advance where the person making it is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know the solicitation or advance is unwelcome.

In addition, as of January 1, 2018, Ontario’s Workplace Safety and Insurance Board has allowed claims for work related chronic mental stress, a mental disorder caused by substantial work-related stressors. There are 3 criteria that a worker must prove in order to receive compensation:

- » The injured worker needs to provide a DSM (Diagnostic Statistical Manual) diagnosis from a regulated health care professional who is authorized to make such a diagnosis (this includes family physicians, nurse practitioners, psychologists and psychiatrists);
- » There must be proof of substantial work-related stressors; and
- » The workplace incident must be the predominant cause of the chronic mental stress.



Claims must also be based on incidents that took place on or after April 29, 2014.

Unfortunately, workers’ initial claims for mental stress are often initially denied and it takes as long as 4-5 years for a claim to progress through the appeals process all the way up to the Workplace Safety and Insurance Tribunal which is more likely to allow a claim that is medically substantiated. For decades WSIB specifically excluded bullying and other forms of chronic workplace stress as claims, only recognizing trauma due to unusual situations such as being taken hostage while at work. While the law has now changed, claims adjudicators spent years denying these types of claims and have been slow to recognize that bullying is more than just normal interpersonal conflict.

Significant changes to the law usually come in response to a problem reaching a crisis point. Legislation does not, and cannot, keep up with new forms of bullying in real time. A good example of this is the rapid changes in technology, and its use, that have given rise to cyber-bullying.

## CYBER-BULLYING

The law is just starting to respond to the increased use of social media and smartphones which have served as an additional platform for bullies to target their victims. In 2014, Statistics Canada released the results of a new study indicating that 1 in 5 internet users aged 15-29 reported having been cyberbullied or cyberstalked. This type of behavior carries over into the workplace as various internet platforms provide a new method for bullies to harass their victims; and to continue the harassment outside of the workplace and outside of work hours.

While there is no specific legislation aimed at cyber bullying in the workplace yet, the government of Nova Scotia passed the *Cyber-Safety Act*, the first Canadian jurisdiction to address cyber bullying and to permit victims to pursue monetary damages in lawsuits aimed at holding perpetrators civilly liable for their actions.

Similarly, the Federal Government amended the *Criminal Code* in 2014 to include a new offence of non-consensual distribution of intimate images as well as complementary amendments to authorize the removal of such images from the internet.



## WHO ARE THESE BULLIES – AND WHAT MAKES THEM TICK?

One of the big problems here is that bullies look like everyone else – with no one group more likely to abuse their fellow human beings on the job than any other. Basically, we're talking about the human race. Men bully. Women do it. People from every race and ethnic group do it. And bullying seldom follows the usual pattern seen in sexual and racial harassment where members of one group abuse people from another group. In fact, same-sex and same-race bullying is often at least as common or more common – as in the case of same-sex bullying, where women are bullied by women in 63% of cases and men are bullied by men 62% of the time.

As to the motivation of bullies, a desire to control can be a factor. Some bullies were once bullied themselves and are now lashing out at others as a way of dealing with their pain.

Whether a bully takes the direct approach or a more subtle one, can depend on their goal. Not every bully knows they are a bully and sees themselves that way. A bully who was bullied themselves may have convinced themselves that being bullied toughened them up or made them work harder and so they believe that their own bullying behaviour is not only not hurtful, but actually helpful. Other bullies may be very aware of what they are doing and are engaged in a very deliberate and conscious effort to get rid of someone that, for whatever reason, they have decided doesn't belong.

Employers sometimes mis-characterize bullying as a personality conflict. Once one person, usually the victim, leaves the workplace, they assume the matter is resolved. The problem is that the bully is still a bully, their behaviour wasn't addressed and hasn't changed, so it is only a matter of time until they find someone new to bully.

## AND THEIR VICTIMS ARE...?

There is no profile of a likely victim, it can happen to anyone. A recent Statistics Canada survey found that 19% of women and 13% of men reported experiencing some form of bullying in the workplace. Those in jobs with a high degree of public interaction were at the greatest risk with both men and women reporting that clients/customers were the most likely harassers, 42% for men and 53% for women. Men reported that a supervisor/manager was the next most likely bully, while women identified colleagues/peers as their second most common bullies.

While anyone can be a bully, bullying by a manager or supervisor had the greatest negative impact on both men's and women's productivity, motivation, and overall job satisfaction.

Anyone can be bullied. A victim might be shy, awkward, outgoing or very popular. There is no job, education level, competency or set of skills that guarantees protection from bullies.

## SO HOW DOES BULLYING WORK?

There is no one way to bully. According to the Canadian Centre for Occupational Health and Safety, here are just a few examples of different types of bullying:

- » Spreading malicious rumours, gossip, or innuendo.
- » Excluding or isolating someone socially.
- » Intimidating a person.
- » Undermining or deliberately impeding a person's work.
- » Physically abusing or threatening abuse.
- » Removing areas of responsibilities without cause.
- » Constantly changing work guidelines.
- » 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 e-mail.
- » Intruding on a person'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).
- » Underwork - creating a feeling of uselessness.
- » Yelling or using profanity.
- » Criticising a person persistently or constantly.
- » Belittling a person's opinions.



- » Unwarranted (or undeserved) punishment.
- » Blocking applications for training, leave or promotion.
- » Tampering with a person's personal belongings or work equipment.

## WHO WINS?

Everyone loses when bullying is allowed to go unchecked. Low morale, decreased productivity, increased sick leave, and higher rates of resignations hurt both the individual and the organization.

Bullying can directly impact a victim's mental health, but the ongoing stress can also impact physical health either through the development of new illnesses, or a worsening of symptoms for existing illnesses. The stress of being bullied can also impact cognitive functioning, affecting memory, concentration, and the ability to multi-task. This can create a vicious cycle as a victim of bullying who has trouble focusing may start to make mistakes at work, which the bully then uses as "evidence" that the victim is a poor performer. The more stress this causes the victim, the more they might struggle to perform.



## THE IMPACT ON ORGANIZATIONS AND OUR ECONOMY

It's not just employees who suffer – since bullying also impacts our economy and the organizations in which it occurs.

Take, for example, the impact on organizations – including those that condone or encourage bullying, imagining it to be an effective way of getting results. Well, if that's what they think, they're dead wrong. For the reality is that allowing bullying to occur is one of the best ways you can find to damage employee morale, lower productivity, and cause a hemorrhage of some of your most talented employees. And it's a great way to swamp your human resources and legal staff too when employees submit grievances and file lawsuits alleging workplace abuse. Given the failure of so many organizations to respond to this crisis, it would appear that many senior managers are simply slow learners.

While there are currently no comprehensive estimates of the cost of bullying in Canada, studies conducted in other countries suggest that the price tag may be very high indeed.

For example, in the Scandinavian countries, the cost of intervention by HR and occupational health staff and consultants in such cases typically runs somewhere between 30,000 and 100,000 US dollars, while an Australian study found the average cost of serious bullying in that country to be about A\$20,000 (roughly Cdn \$17,000) per employee.



And the cost of bullying for many economies is staggering. For example, the cost to the Australian economy is estimated to be between A\$ 6 billion (about Cdn \$5.25 billion) and A\$13 billion (Cdn \$ 11.4 billion) per year – which includes such indirect costs as absenteeism, labour turnover, loss of productivity and legal costs. Studies conducted in the U.K. suggest that absenteeism in that country resulting from workplace bullying amounts to some 18 million lost working days annually – with other studies estimating the cost of bullying to that nation’s economy to be somewhere between £2 billion (about\$4 billion) and £4 billion (about \$8 billion) a year in terms of sick leave, law suits, lost productivity and replacing staff who have left. Unfortunately, even this estimate may understate the magnitude of the problem – as seen by an interview in the on-line newsmagazine, *Global Politician*, which cites figures suggesting that the total cost of bullying to the UK economy – including all of the direct and indirect costs faced by taxpayers and stakeholders – may exceed £30 billion (about \$60 billion). This represents a hidden tax placed on every working adult in that country amounting to £1,000 (about \$2,000) per year.

So we’re talking serious money here – a serious burden placed on organizations, taxpayers and our national economy.

## FIGHTING BACK

**Given the serious impact that bullying has on individuals, the workplace, and the economy, what can employees do to fight back. The good news is that with the recent legal changes in Ontario, employees now have some tools to help address bullying in the workplace both before and after it happens.**

### BEFORE:

- » Find out if your employer has a bullying prevention plan. Get familiar with your workplace’s policies and plans
- » Ask for anti-bullying training to be provided
- » Put up anti-bullying posters with information about what bullying is and listing who to contact to report an incident
- » Talk to your co-workers about the reporting process
- » If you see gaps in your workplace’s knowledge of bullying or reporting process, talk to your union, or employee health & safety representative, about what is needed
- » Publicize information about EAP programs or other community supports

## IF BULLYING IS HAPPENING

- » Report the bullying as soon as possible. Victims often hope that if they wait, the bully will realize what they are doing and that it's wrong and stop on their own. They won't.
- » Report the bullying to management but also to your union representative and/or health & safety rep.
- » Start keeping notes, even if incidents seem minor at the time. After there has been a pattern of bullying behaviour over several months it can become impossible to remember the details of specific incidents but an investigator needs those details of what happened, when, and who might have witnessed it.
- » If you see bullying happen to someone else, let the victim know you saw what happened. Victims often doubt themselves, it can be very powerful to have someone else acknowledge what just happened.
- » Ask for an experienced independent investigator to get involved.

## GETTING UNIONIZED – AND STRENGTHENING UNION RESOLVE

### SO WHERE DO WE START?

Well, for non-union workers, one of the smartest things they can do is to get unionized. For without a strong union and a well-written collective agreement to protect them, they're toast. It's them against the bullies – and the bullies win every time.

For unionized workers, it's a matter of doing what unions have always done, doing it better and finding new and better ways of fighting back.

A good place to start is by developing a better understanding of how serious this bullying epidemic is and why it needs to be made a priority. After all, these are people's lives we are talking about - and unions need to turn up the heat on companies that condone bullying or encourage it.

One way of doing this might involve more and better education of members and shop stewards on the issue. Union locals might also want to make bullying a key issue in contract negotiations, seeking to get strong anti-bullying language in future contracts. One demand might involve the creation of a separate queue for bullying grievances.

But even before these new and better contracts are signed, unions can start work right away to do an even better job of supporting members who are victimized – by taking their claims seriously and working closely with them as they seek to protect their jobs and get redress for the harm caused. We can also work to make better use of the full range of tools currently at our disposal, including grievances and other legal remedies. And we can monitor the environment for new developments in the legal and workplace environment, which offer promise in pursuing redress. A good example is the concept of 'professional harassment' which is gaining recognition among a number of high profile employers such

as the Government of Canada and Hydro Québec. Finally, we can learn from the past and other people's experience – both within Canada and abroad. So we can refine our anti-bullying strategies and make full use of decisions, judgments and inquest findings relating to workplace bullying. A good example in Ottawa involves the 77 findings and recommendations that flowed from the Inquest into the OC Transpo tragedy, many of which deal with workplace bullying, harassment and violence as well as management's duty to address and prevent such acts.



Also, did you know that bystanders are present in 90% of bullying episodes and can often stop the bullying within 10 seconds if they intervene? That's a powerful statistic put forward by PREVNet, a national network of researchers and organizations working together to stop bullying in Canada. This means that individual workers have more power to stop bullying before it escalates into long lasting emotional harm than they realize.

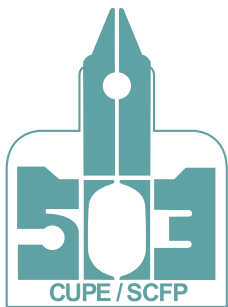
But increased shop floor action, while clearly helpful, can only take us so far since we will continue to be fighting fires on a case by case basis – a very cumbersome, costly and time-consuming process. What we really need is a permanent change in the culture and laws of our country. So we can establish bullying in the national consciousness as a despicable practice that must be stopped immediately and see the passage of strong federal and provincial legislation that will protect workers from bullying as powerfully as human rights legislation protects designated groups from discrimination.

We also need to force bullying onto the legislative agenda of our elected officials – with an eye to making this form of abuse illegal. To do this we will have to lobby politicians and senior public servants – demonstrating how outlawing workplace bullying makes good policy sense. We will also want to raise the visibility of workplace bullying through demonstrations and rallies, letter writing campaigns, research materials and public forums. And we will need to make bullying an election issue that politicians can't dodge – so voters and politicians realize this is an issue that won't go away. Finally, we will need to work with those politicians – from whatever party – who are prepared to advance this cause by raising the issue during Question Period and by introducing Private Member Bills aimed at outlawing workplace bullying and harassment.

But, whatever approach we take, time is of the essence. For these are good people we are talking about. Honest, decent, hard working people whose only crime is to be in the wrong place at the wrong time and have a boss who figures it's ok to climb to the top over the bodies of co-workers and employees. Nor is this just a tragedy for individual workers – as serious as that may be. It also represents a huge problem for the organizations that employ them – organizations that pay a high price in terms of declining staff morale, lower productivity, and the loss of their best and brightest workers.

Bullying is bad business. It's bad for the workers victimized by it. It's bad for the workers who remain when a victim leaves. And it represents bad business for the organizations that let it happen.

This nonsense has gone on long enough. The time to act is now – before the damage gets any worse.



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