# What We Heard

## Engagement on Preventing Workplace Harassment

NOVA SCOTIA

**Department of Labour, Skills and Immigration**
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What We Heard: Engagement on Preventing Workplace Harassment
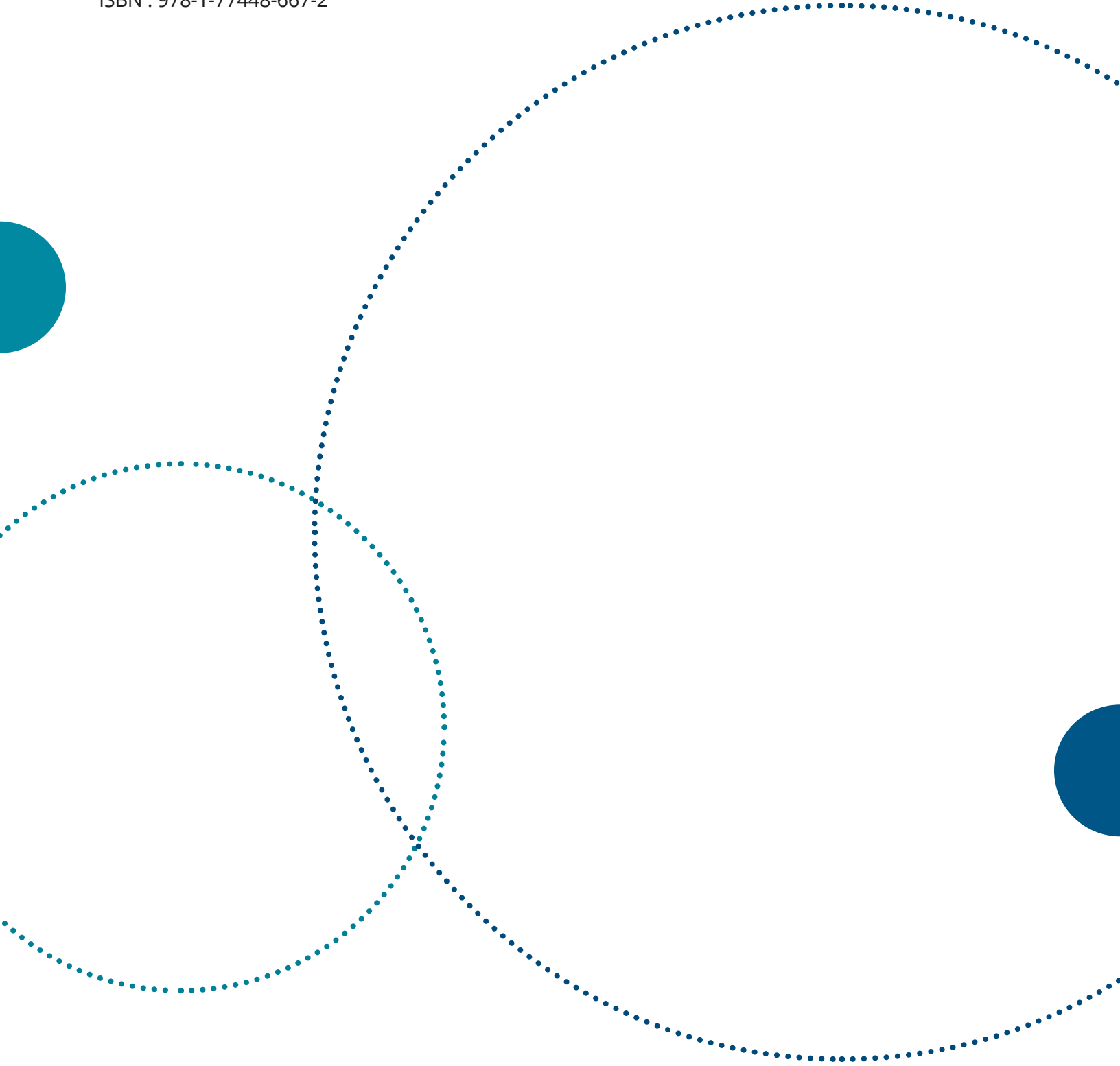
# Introduction

Workplace harassment can lead to psychological injuries. However, the *Occupational Health and Safety Act* and regulations do **not** deal with psychological injuries, only physical injuries. That's why we are working on a plan to prevent harassment at work. The Safety Branch of the Nova Scotia Department of Labour, Skills and Immigration (LSI) engaged with Nova Scotians to find out 3 things:

- the extent of workplace harassment in Nova Scotia
- how the government can help employers and employees address workplace harassment
- how the prevention of harassment could make workplaces healthier psychologically

More than 600 Nova Scotians responded to our call for comments in late 2023. They did this in 3 ways:

- through virtual and in-person sessions
- using an online survey
- writing directly to us

This report describes what we heard. It includes these topics:

- what is currently in place to address workplace harassment
- the challenges employers and employees face in dealing with harassment
- suggestions to improve how we deal with workplace harassment in Nova Scotia

# Part 1: What We Heard

## Effect of Workplace Harassment

Many people told us about how workplace harassment affected them. The types of harassment people reported to us included the following:
- verbal harassment, most commonly reported
- discrimination
- sexual harassment
- physical violence

They noted that harassers were both members of their organizations and outsiders.

These are some examples of people we heard harassed others in the workplace:
- staff
- managers and supervisors
- members of the public
- students
- patients
- clients

People told us that they suffered consequences when they reported harassment. Consequences included the following:
- changes to their job or advancement prospects
- retaliation by co-workers
- negative effects on their mental health
- needing to take time away from work through a sickness or disability claim

## Effect of workplace harassment on organizational culture

### What is organizational culture?
Organizational culture is mainly made up of these things:
- an organization's values, beliefs, and attitudes
- how an organization promotes certain behaviours

The policies and practices of the organization reflect its culture. Leaders establish and maintain the culture.

An organization's culture affects people who work for the organization. It also affects those who use its products or services. The culture shapes their experiences, attitudes, and behaviours. The organization often absorbs the culture of the society surrounding it.

### How does organizational culture affect workplace harassment?
We heard that sometimes organizations or society view harassment as normal and allowed this behaviour in the workplace. People noted that harassment may stem from these things, among others:
- racism
- misogyny
- ableism

### What changes to organizational culture can prevent workplace harassment?
We heard that improving organizational culture could prevent workplace harassment. But there would be challenges.

This report talks about the parts of organizational culture that can prevent or worsen workplace harassment. These include the following:
- leadership and accountability
- awareness and understanding
- policies, procedures, and processes
- reporting and investigation
- work environment
- staffing pressures
- diversity of the workforce

# Part 2: How to Prevent and Address Workplace Harassment

## Leadership and Accountability

The most frequently discussed challenge was that leaders do **not** hold harassers accountable. They do nothing when harassment occurs. They sometimes make excuses to avoid addressing harassment.

### Why leaders do not act on workplace harassment

People gave several reasons why leaders do **not** act on workplace harassment:
- They don't understand what harassment is.
- They don't see the harassment when it happens.
- They don't know how to respond to or prevent harassment.
- They are not held accountable for how they respond to harassment.
- They are protecting their relationships with the harassers.

### How to prevent and address workplace harassment

We heard about several strategies to prevent and address workplace harassment. These strategies include the following:
- Discipline leaders who do not address harassment, or who harass staff themselves.
- Have leaders model appropriate and respectful behaviours and best practices.
- Improve trust between leaders and staff.
- Teach everyone in the organization about harassment, particularly leaders.
- Have a third party assess leaders and organizations to see how they address harassment. This would increase accountability for workplaces and employers.

# Awareness and Understanding of Workplace Harassment

People told us that many within organizations know little about workplace harassment. These include:
- employees
- employers
- leaders, like managers and supervisors
- those responsible for investigating complaints

Some, they said, do **not** recognize the many forms of harassment, for example:
- threats
- name-calling
- belittling
- shaming

They said some employees, employers, and leaders may see harassing behaviour as normal. They can't tell the difference between acceptable and unacceptable behaviour.

People also mentioned these other areas where there is a lack of understanding:
- Harassers may **not** realize that what they are doing is harassment.
- Harassers underestimate the effect of their actions.
- Employees don't know that they have a right **not** to be harassed at work.
- Most people do **not** understand what psychological injuries are.
- People have different ideas about what is acceptable and appropriate behaviour.

## How to improve understanding of workplace harassment

We heard that we need a clear definition of workplace harassment. It should state what is and is not harassment. This will improve knowledge and understanding of workplace harassment.

People gave us examples of training that their organizations use to address workplace harassment. They said this training should be mandatory training for all staff and should include the following 4 topics:
- equity, diversity, inclusion, and accessibility (EDIA)
- respectful workplace
- psychological safety in the workplace
- existing policies and procedures related to workplace harassment

We heard that training could help to build a respectful workplace free of harassment. However, people pointed out some concerns about training. For example,
- It may be difficult to make sure that all employees can get the training. There are several reasons for this:
  – Varying staff schedules mean staff are available at different times.
  – Large organizations may find it difficult to train all employees at once.
  – Staff turnover means that new employees will need training.
- Some training may not be effective. This could be because employees are disengaged or the training costs too much.

## How to support a positive workplace culture

People told us that a positive workplace culture can prevent harassment. They cited 4 factors that contribute to a negative workplace culture:
- working in a stressful, high-pressure environment
- staff shortages
- a lack of diversity in the workforce
- working alone with the public without reasonable protection

They said these factors could increase harassment and may affect an employer's ability to prevent it.

They said that the 2 most important things an organization can do to prevent workplace harassment are the following:
- Treat everyone with respect.
- Support victims of harassment and those who witness it.

They also listed ways to help prevent workplace harassment:
- Create policies, procedures, and structures that address harassment.
- Add harassment prevention to the organization's regular activities.
- Address harassment when it happens.
- Have an active Joint Occupational Health and Safety (JOHS) committee, depending on size of workplace. Members should understand OHS issues and what psychologically healthy and safe workplaces look like. These committees should meet regularly.

## Policies, Procedures, and Processes

People told us about policies and procedures that they think work well. These include the following:
- Policies about rights and responsibilities
- Accountability for clients who harass workers
- Discipline programs with clear consequences for employers and staff who harass employees
- Zero tolerance
- Conducting investigations in stages

They also told us that there are some problems with policies and procedures. For example, policies and procedures may exist but may **not** be enforced. They may be unclear. They may **not** be strong enough. They may be outdated.

Finally, they suggested ways to improve policies and procedures:
- Develop policies and procedures where they do **not** yet exist.
- Assess policies and procedures for effectiveness. Update them as needed.
- Align workplace harassment policies with the organization's other policies and federal and provincial legislation.
- Make policies accessible to all. Use plain language. Clearly identify roles and responsibilities.

# Reporting and Investigating

We heard that reporting is a critical first step to investigating and addressing harassment. But we also heard that there are barriers to reporting and investigating workplace harassment. These include the following:
• fear of retaliation or retribution
• fear of being seen as a problem employee
• concern about lack of confidentiality
• feeling that no one will act on the report
• fear of reporting someone in a leadership role. People told us that there are barriers within the reporting system. For example, some systems are too formal or hierarchical.

## How to encourage people to report harassment

Despite the barriers, we heard that it is important to encourage people to report workplace harassment. People suggested many ways to encourage reporting and investigation:
• strong leadership that supports reporting
• a workplace culture that supports prevention
• increased understanding and awareness of workplace harassment
• clearly communicated policies and procedures

More specifically, people suggested how to improve how and to whom a person reports harassment:
• allow people to report anonymously
• have people report to a third party
• give people options for reporting within the organization, for example, they could choose to report to one of the following:
  – a supervisor
  – the JOHS committee
  – a peer

We also heard that reporting structures need to be improved. Structures need to be clear and simple. They need to have an informal component. They must allow complainants to feel protected.

## How to improve harassment investigation

Many people told us how to improve the investigation into complaints of harassment. There were 2 main suggestions:
• Have an external, independent party conduct investigations. Choose someone who will take a "root cause analysis" approach. That is, someone who will examine why harassment is occurring.
• Make sure that complainants know that their concerns have been heard and are being addressed.

## How to respond to harassment

We heard that people want their employers to take action when harassment occurs. People told us they wanted to know what their employer's response will be. They said that harassers need to be held accountable for their actions and there must be consequences. People disagreed on how severe the consequences should be for those who cause harm. Some suggested harassers should be fired or charged criminally. Others preferred non-punitive responses like mediation or restorative approaches. They felt that these approaches would build understanding among workers.

We heard that smaller organizations have limited capacity to address harassment for these reasons:
- They lack a human resources (HR) department or dedicated staff to address harassment.
-  Managers and supervisors lack support related to workplace harassment.
- There is no union support.

These are some suggestions we heard that would increase the capacity of smaller organizations to address harassment:
- Increase the availability of advice and support for organizations.
- Provide tools, information, and resources to employers to help them address harassment in the workplace.
- Have additional staff to address workplace harassment.

## How to support victims of harassment and those who witness it

People told us that victims of workplace harassment should get mental health support and peer support. We also heard from people who have experienced harassment in the workplace. They want to understand what has taken place. For example, has there been an investigation? If yes, what were the findings? If an investigation did **not** take place, why not? Employers said that information could **not** be shared because of confidentiality. But those who experienced harassment in the workplace found that to be an unsatisfactory response. People shared the challenges related to accessing WCB support. They added that the WCB needs to provide more support to address harassment and psychological health and safety generally.

# Part 3: Recommendations for Government and Next Steps

We asked what role government should play in helping workplaces prevent and address harassment. Many told us that the government should **develop and strengthen legislation and regulations** for workplace harassment. We also heard the following suggestions:

- Add psychological health and safety to the Occupational Health and Safety Act and Regulations.
- "Streamline" and clarify legislation and regulations.
- Look to other jurisdictions and do what works well.
- Make sure that legislation is not "too prescriptive". Allow for flexibility based on the needs and context of workplaces.

We also heard that the government should develop and provide resources to help people learn about legislation, regulations, and harassment in general. People also suggested that the government do the following:

- Lead by example.
- Educate the public about workplace harassment.
- Act as a third-party independent resource for employers and employees.
- Give workplaces the funds they need to deal with workplace harassment.
- Work with partners to address workplace harassment.

There were some who felt that the government need not play a role. Instead, they want organizations and employers to lead the way.

## Next Steps

LSI will use this information to develop guidance for workplaces to prevent and respond to harassment. This will be an important step to improve health and safety in the workplaces across Nova Scotia.

Thank you to all Nova Scotians who took the time to take part in this engagement. The Department of Labour, Skills and Immigration will used this information to develop guidance for workplaces to prevent and respond to harassment. This will be an important step to improve health and safety in workplaces across Nova Scotia. Updated information on Violence and Harassment can be found on NovaSAFE to download on your phone.