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...from the
director's chair

Putting the boots to bullying

When Patty Hajdu, Minister of Employment, Workforce Development and Labour, unveiled new legislation in early November aimed at cracking down on harassment in federal workplaces, it went largely unnoticed in the trucking world.

If you work in a trucking operation that crosses provincial or international borders, you are among a number of federally-regulated industries, like banking, telecommunications, and others, that are covered by the Canada Labour Code, so the upshot of this regulatory overhaul will apply to you.

The legislation follows a year-long government consultation which set out to shed light on the prevalence of bullying, sexual harassment, and violence at work in Canada. What emerged from the series of discussions and surveys is that millions of Canadian men and women say they are victims of, or witness, bullying and harassment of one kind or another in the workplace, on a daily basis.

Issues of harassment and violence in federally-regulated workplaces are already covered in a number of separate labor standards under the Canada Labour Code, but the Code clearly isn't working to make things better for large numbers of Canadian workers and employers.

To begin with, much workplace harassment goes unreported; the most common reasons for workers not reporting an incident or situation of harassment are fear of retaliation, or concern that they will lose their job. As well, when complaints are brought forward, they are often not taken seriously, and thus not dealt with effectively.

For the 92% of Canadian workers who aren't covered by federal regulation, employment

standards that regulate conditions of work are defined by provincial or territorial ministries of labour. But slogging through the complex, multi-layered pieces of legislation at these levels, trying to understand how each handles the various types of harassment, can be a real challenge.

Certain laws regarding harassment and discrimination fall under human rights legislation in Canada, and aren't addressed at all at the provincial level. A couple of provinces have made prohibitions against workplace bullying and harassment expressly clear, but for others, it often falls under the general duty of employers to protect employees from risk at work, and isn't specific to, say, bullying.

Bullying is an interesting example; when we hear about bullying, we immediately think about children in the schoolyard or teens and cyberbullying. But workplace bullying is very real.

Some examples of bullying or "psychological harassment" at work include rude or offensive remarks, ridicule, shouting abuse, or making fun of personal choices, but also include belittling or ignoring employees, assigning unreasonable duties or workload in a way that creates unnecessary pressure, or setting impossible deadlines.

Does any of this sound familiar? Drivers have been telling me for years about incidents that are clearly abuse or harassment, often perpetrated by a co-worker, but just as likely to come from an individual in a position of authority. For example, dispatcher/driver relationships are often seen as coercive with a one-sided power balance; I don't think I've met a driver who doesn't have a "dispatcher from hell" story.

And what about those times drivers have been expected to use equipment that may have a



Joanne
Ritchie:
OBAC
executive
director

defect? This is clearly a safety issue, but if the driver feels pressured or coerced, is it bullying?

So, are tougher laws the answer? Raising awareness and getting the conversation going is never a bad thing, but this complex issue needs a multi-faceted approach by government, labor, employers, workers and the public. The law may provide a supporting context, but can it really regulate employer-employee relationships or repair a dysfunctional corporate culture?

Recognizing workplace harassment as not only an issue of social justice, but an issue of economic prosperity as well might be a good beginning. Companies need to be aware that there is a strong economic argument to creating safer, harassment-free workplaces. Companies that have high degrees of harassment, and bullying tend to also have high levels of absenteeism, poor mental health among workers, lower productivity, and rapid turnover.

Companies that take care of employees and foster healthy environments tend to not only attract the best talent, but to keep it as well.

Perhaps recognizing the recruitment and retention implications of the issue might be just as effective as tougher legislation when it comes to trucking.

Joanne Ritchie is executive director of OBAC. E-mail her at jritchie@obac.ca or call toll free 888-794-9990.