

Mission: Zero

Rural Municipal Administrators
Association

May 2021

Topics

- Legislation updates
- Inspections – what to expect
- Harassment
- Q&A

Change in Legislation

The Government of Saskatchewan has made amendments to *The Occupational Health and Safety Regulations, 1996*

- Effective April 1, 2021, *The Occupational Health and Safety Regulations, 2020* are in effect
- A copy of the full regulations is available at <https://publications.saskatchewan.ca/#/products/112399>

Harmonization of First Aid Kits

- As part of a Canada-wide initiative to remove barriers to internal trade, investment and labour mobility, employers and contractors are now required to maintain first aid kits based on the Canadian Standards Association (CSA) standard Z1220-17.

Accessing CSA Standards

Harmonized standards can be accessed for free:

1. Go to the CSA Web-store: <https://www.csagroup.org/store/>
2. If you don't have an account already, create one for free by registering through the link in the top right-hand corner
3. Once the account is created, log in
4. Use the search bar to search for the standard you are interested in
5. Select the hyperlink in the standard title. Information on the standard will then populate the screen
6. Select the "VIEW ACCESS" button near the top left
7. A web-based viewer will pop up. You won't be able to download the standard, but you can view it through the web-browser

Inspections

- Occupational health officers legal authority to inspect
- Types of inspection
- Point in time assessment of conditions
- Issuance of reports – officer's report, compliance undertaking, notice of contravention

Compliance Review

- A general inspection may consist of:
 - Review administrative items – OHC, working alone, harassment and violence policies, safety program, exposure control plan, etc.
 - Review of work – office spaces, work areas, shops, PME, etc.
 - And, make any inquiry the officer considers appropriate.

Rural Municipalities – Inspections

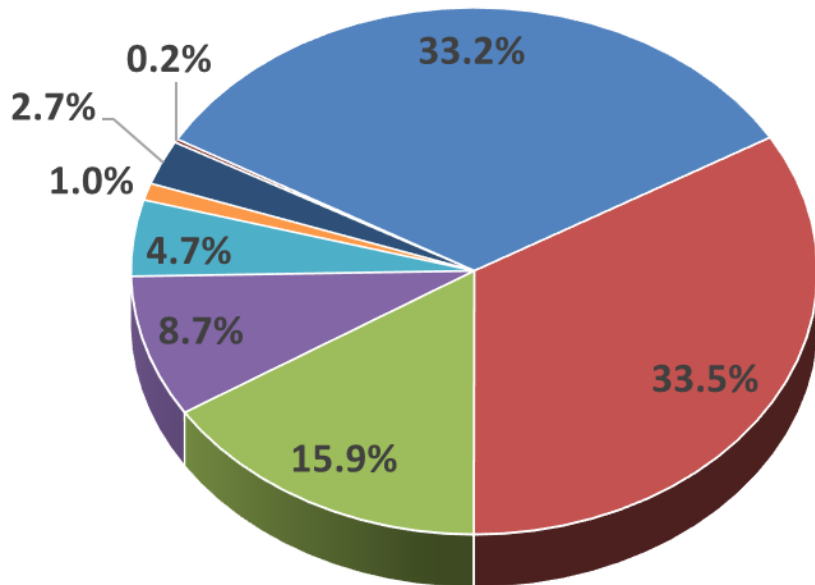
Top Five Contraventions Issued on RM's

Regulation 2020 (1996)	Description	# Issued 2016-2021
10-4 (137)	Safeguards	25
25-2 (360)	Fire safety plan	21
25-15 (373)	Gas burning and welding equipment	20
22-13 (WHMIS 14)	Availability of safety data sheets	18
12-2 (145)	Grinding machines	17
3-25 (36)	Harassment	15
3-4 (15)	Duty of employer or contractor to provide information	13
3-12 (23)	Examination of plant	13
22-4 (WHMIS 5)	Worker education and training	13
15-3 (361)	Fire extinguishers	9

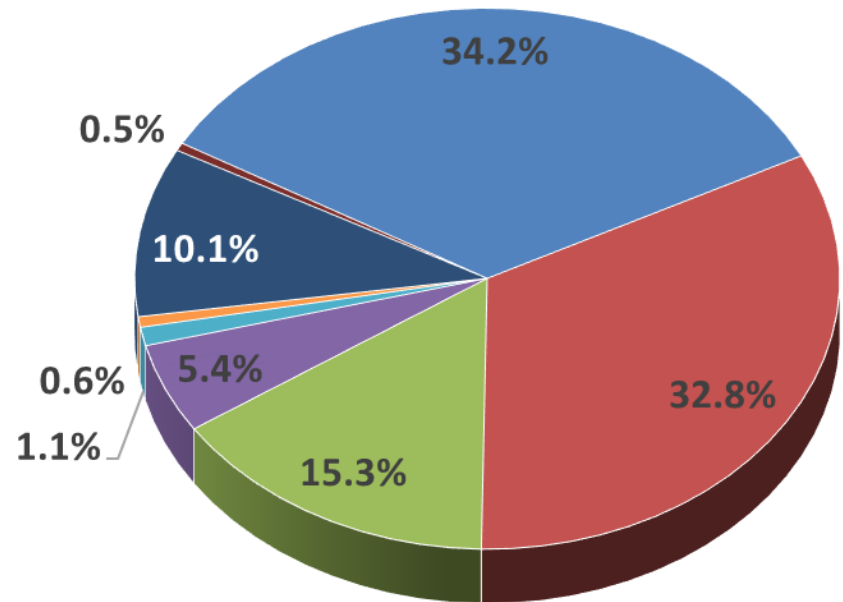
Causes of Workplace Injuries from 2015 to 2020

- Contact with objects and equipment
- Falls
- Assaults, violent acts, attacks, harassment
- Transportation accidents
- Bodily reaction and exertion
- Exposure to harmful substances or environments
- Other events or exposures
- Fires and explosions

All Industries



Rural Municipalities (G3109)



Source: Saskatchewan Workers' Compensation Board - Accepted Claims with Costs to the Employer from 2015 to 2020: All Industries (131,555 claims); and Rural Municipalities (632 claims)

***Harassment and Discriminatory Action
Prevention Unit
Legal Affairs Branch
Occupational Health and Safety Division***

The Menu

- Legislative Background/History
- New Legislative Definition of Harassment
- What is Reasonable Managerial Action
- Bullies, Victims and the Effects
- Duties
- Discriminatory Action
- Appeals

Harassment

- The Act and regulations require employers to:
 - ✓ Prevent harassment
 - ✓ Stop harassment when it occurs
 - ✓ Develop and implement a policy that complies with section 3-25 of the regulations

Prohibited Grounds

- In 2007, the definition of harassment expanded to include ‘personal harassment’
 - ✓ Personal harassment is ‘*bullying*’
 - ✓ The new, expanded part of the definition for harassment is not retroactive
 - ✓ Saskatchewan’s model is similar to Quebec’s model
- How does the definition read now?

Prohibited Grounds

- Any inappropriate conduct, comment, display, action or gesture by a person that:
 - ✓ Is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin
 - ✓ Constitutes a threat to the health or safety of the worker

Personal Harassment

- Any inappropriate conduct, comment, display, action or gesture by a person that:
 - ✓ Adversely affects a worker's psychological or physical well-being
 - ✓ The perpetrator knows or ought reasonably to know would cause a worker to be humiliated or intimidated
 - ✓ Constitutes a threat to the health and safety of the worker

Personal Harassment Includes

- Verbal or written abuse or threats
- Insulting, derogatory or degrading comments, jokes or gestures
- Personal ridicule or malicious gossip
- Work sabotage
- Refusing to work or co-operate with others
- Interference with or vandalism of personal property
- Unwelcome physical contact



Bullies

- Workplace bullying includes: verbal, nonverbal, psychological abuse and humiliation
- It is characterized by:
 - ✓ Repetition
 - ✓ Duration
 - ✓ Escalation
 - ✓ Power disparity
 - ✓ Intent

Common Bullying Tactics

- Falsely accuses victim of errors
- Silent treatment
- Creates rules 'on the fly'
- Disregards quality work
- Criticizes constantly
- Sets different standards for the victim
- Uses confidential information to humiliate the victim
- Makes unrealistic demands
- Ignores, overrules, isolates and excludes the victim

Victims

- Victims of bullying can suffer from:
 - ✓ Long-term emotional problems (loneliness, depression)
 - ✓ Physical problems (stress, anxiety, weakened immune system)
 - ✓ Behavioral problems (loss of confidence, missing work, isolation)
 - ✓ Academic problems (poor concentration)
- At work bullying causes less productivity, an increase in absenteeism and disgruntled employees

Who Bullies?

- According to research, adults who bully have personalities that are authoritarian, combined with a strong need to control or dominate. It is also suggested that a deficit in social skills and a prejudicial view of subordinates can be particular risk factors. Bullies are typically quick to anger and use of force, mistake the actions of others as hostile, and are quite concerned with preserving self image.

Victims

- Victims' personal relationships suffer from the unhealthy work relationship leading to:
 - ✓ Marital pressure caused by the victim's anxiety and anger
 - ✓ Loss of friends as the victim obsesses about the situation
 - ✓ = more loss

Types of Conflict at Work

- Whether you like it or not, you are going to face conflicts at work
- Ask yourself - Is this harassment or a personality conflict?
- These two are often confused

Types of Conflict at Work

- Interdependence Conflicts –input and output
- Differences in Style- A vs B personality types
- Differences in Background/Gender
- Differences in Leadership- Leaders have different styles
- Differences in Personality-fueled by emotion and perceptions about somebody else's motives and character.

Harassment is NOT

- Any reasonable action taken by an employer or supervisor relating to the management and direction of the employer's workers or the place or employment.



Harassment is NOT

- At work, employers must manage and supervise workers
- Reasonable managerial action is not harassment, even if it involves unpleasant consequences

Examples of Reasonable Action

- Work assignments
- Appraisals of performance and attendance
- Progressive discipline
- Training
- Supervision
- Establishing deadlines
- Establishing dress codes and hygiene standards

Examples of Reasonable Action

- Enforcing occupational health and safety standards



Harassment Is

- Mistreatment perpetrated by another employee
e.g., supervisor to worker; worker to worker; worker to supervisor
- Mistreatment perpetrated by someone, other than an employee, with whom the worker is required to work
e.g., clients, the public

Harassment

- Covers incidents that occur at work and during work hours
- Extends to incidents that happen outside the usual workplace or work hours, but are connected to, or arise out of the worker's employment
e.g., work sponsored social event, conference

Employers Must

- Take action to prevent and stop harassment
- Fulfill their legal duty under section 3-8(d) of the Act
- Develop and implement a harassment policy that meets the requirements of section 3-25 of the regulations

Employers' Legal Duty

- Section 3-8(d) of the Act:

Every employer shall ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to harassment with respect to any matter or circumstance arising out of the worker's employment.

How to Meet this Duty

- Commit to preventing and stopping harassment
- Train workers, supervisors and managers about harassment prevention
- Use the harassment policy and be consistent and timely
- Document training and complaints

Regulation 3-25

- An employer, must, in consultation with the OHC or employee representative, develop and implement a harassment policy
- The policy must be posted and readily available to workers
- Employers must implement effective policies to prevent & end harassment when it occurs
- Actions include:
 - ✓ Preventative measures
 - ✓ Investigating complaints fairly
 - ✓ Stopping harassment when it occurs

The Worker

- Under the Act, section 3-10(b), workers have a duty to refrain from causing or participating in harassment



What Should the Victim Do?

- If a worker is being harassed, he or she should:
 - ✓ Ask the perpetrator to stop
 - ✓ If the perpetrator does not stop, report it to a supervisor or other person named in the policy
 - ✓ Contact an occupational health officer

OHS

- Officers enforce the OHS legislation, educate and inform workplaces
- Anti-harassment legislation applies only to workers as defined in the Act
- OHS has jurisdiction over Saskatchewan's non-federal workplaces

Informal Process

- An officer can provide information or coaching
- An informal complaint can be anonymous
- Informal steps might include:
 - ✓ Meeting with the various people involved to see if the concerns can be resolved without a formal investigation

Formal Process

- OHS issues a harassment questionnaire
- The worker fills the questionnaire with a description of the events that occurred, witnesses etc.
- In the event of a formal investigation, confidentiality is important, but the complainant cannot remain anonymous

Enforcement Measures

- In writing, an occupational health officer will direct the employer to:
 - ✓ Develop and implement a harassment policy that meets the requirements of section 3-25 of the regulations
 - ✓ Require the employer to investigate the complaint
 - ✓ Require the employer to ensure the worker is not exposed to harassment
 - ✓ SOT, NOC, Prosecution

Protection from Reprisals

- The Act, section 3-35, forbids **discriminatory action** (e.g., discipline, termination, suspension) for victims who raise health and safety concerns or seek enforcement
- Workers who raise harassment concerns and witnesses who give information during investigations are also protected

Protection from Reprisals

- When it happens, employers are asked to provide 'good and sufficient other reasons' for discriminatory action
- If an occupational health officer determines the employer has taken a discriminatory action, the officer may order reinstatement and payment of lost wages

Need Help?

- A worker needing help or information can go to their:
 - ✓ Supervisor,
 - ✓ Human Resource Branch
 - ✓ Occupational Health Committee
 - ✓ Local Union official Human Rights Commission
 - ✓ The Employee & Family Assistance Program Occupational Health and Safety
 - ✓ Workers Advocate
 - ✓ Immigration Integrity Unit
 - ✓ The police

Which One Are You?





Contact Us

Harassment and Discriminatory Action Prevention
Unit

Occupational Health and Safety

Ministry of Labour Relations and Workplace Safety

1-800-667-7166

saskatchewan.ca

Questions?

Kim Meyer, Manager
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1-800-567-7233

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