

## OECTA advisor

### Real life situations and solutions

By Joe Pece

**B**ullying has been a hot topic in education in Ontario for a number of years. Amendments have been made to the *Education Act*, regulations introduced and prevention programs implemented – all to address the issue of bullying among students in our schools. As educators, we are continuously working on better ways to handle, educate and prevent bullying incidents from occurring. What is rarely addressed, however, is the issue of teachers as victims of bullying.

I often hear from teachers who are confident in their ability to educate students on the topic and manage bullying incidents involving students. However, these same teachers often have difficulty understanding and addressing bullying directed towards them in their workplace. As teachers, we find ourselves in constant contact with students, parents, teacher colleagues, support staff and

administrators. Differences of opinion and conflict are to be expected, but behaviour that is unreasonable, offends or harms any person should not be tolerated.

Bullying typically is seen as verbal comments or actions that could ‘mentally’ hurt or isolate a person, but it can also involve negative physical contact as well. Bullying involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression and usually involves a power imbalance between the parties.

The bullying of teachers is not addressed in the *Education Act*. Rather, bullying behaviours fall under the umbrella of workplace harassment and are covered under the *Occupational Health and Safety Act* (OHSA).

The OHSA defines workplace harassment as engaging in a course of vexatious comment or conduct against a worker, in a workplace – behaviour that is known or ought reasonably to be known to be unwelcome.

**Workplace harassment can involve many of the same types of behaviours as bullying and may include:**

- making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
- displaying or circulating offensive pictures or materials in print or electronic form;
- repeated offensive or intimidating phone calls or emails; or
- inappropriate sexual touching, advances, suggestions or requests.

In 2010, the Ontario government enacted Bill 168, the *Occupational Health and Safety Amendment Act* (Violence and Harassment in the Workplace), which amends the OHSA to impose new obligations on employers with respect to workplace violence and harassment.

Under the new law, employers **MUST** implement policies and programs on both workplace violence and harassment. The policies must be posted and employers are expected to provide information to employees, including how to report incidents of workplace harassment and how the employer will investigate and address incidents or complaints of workplace harassment. Employers have a general duty to protect employees from risks at work, which can mean both physical harm and mental health.

**A workplace violence prevention program must, among other things:**

- define what is meant by workplace bullying (or harassment or violence) in precise, concrete language;
- provide clear examples of unacceptable behaviour and working conditions;
- precisely state the consequences of making threats or committing acts;
- outline the process by which preventive measures will be developed;
- encourage reporting of all incidents of bullying or other forms of workplace violence;
- outline the confidential process by which employees can report incidents and to whom;
- assure no reprisals will be made against reporting employees;
- outline the procedures for investigating and resolving complaints;

- describe how information about potential risks of bullying/violence will be communicated to employees; and
- offer a confidential Employee Assistance Program (EAP) to allow employees with personal problems to seek help.

Employers who do not have policies and programs or who choose not to address the issue of bullying as both physical and mental harm are in violation of the Act and can incur additional “costs” to that organization.

To help you understand your rights when it comes to workplace violence and harassment, OECTA has created *A teacher’s guide to the Occupational Health and Safety Act*, which can be found at [www.oecta.on.ca](http://www.oecta.on.ca) in the Contracts & Rights section under Health & Safety.

#### What can you do if you think you are being bullied or harassed?

If you feel that you are being harassed or bullied in your workplace, whether it is by a student, parent, colleague or administrator, there are steps that you can take to address the issue.:

- If you feel comfortable approaching the person, you should firmly say that his or her behaviour is not acceptable and ask that it stop.
- It is also recommended that you keep a factual journal or diary of events including dates and times of incidents and possible witnesses.
- Print and retain any copies of letters, memos, emails, etc., that are received from the person or are material to any incidents.
- Report the harassment to the administration – they have a duty to follow-up. If you are reporting on the conduct of a teacher colleague, remember your obligations from section 18 (1)(b) – the regulation under the *Teaching Profession Act* “on making an adverse report on another member, furnish them with a written statement of the report at the earliest possible time and not later than three days after making the report.”

If issues persist, contact your local OECTA representative or unit office. If you are struggling to deal with the effects of bullying or harassing behaviour, contact your local unit office regarding your board’s Employee Assistance Plan (EAP) provider.

*Joe Pece is the department head for the Counselling and Member Services Department at OECTA Provincial Office.*

## Professional insight

### Dealing with those everyday issues

By Doug McCarthy

#### LIGHTEN THE LOAD WITH HUMOUR

Have you noticed that when you enter a school or workplace, you can easily tell whether or not that community has been graced with good humour? There is just ‘something in the air.’ When I was a young teacher, I was admonished by a very stern-mannered school inspector for laughing at something that happened during a lesson. “Educating children is a serious matter,” he told me. “There is nothing to laugh about.” I believe he was half right.

Education is a serious business – and so is humour. Garrison Keillor, storyteller, humourist, and radio personality, says that humour is not a trick, or a prank, or even a joke. Humour is a presence in the world – like grace – and it shines on everyone. Laughter increases honesty and the capacity for telling others good things. As Victor Borge says, “Laughter is the shortest distance between two people.”

Ken Blanchard, who has written many books on organizational culture, says it is possible to be a serious professional without being a solemn professional. One of his postings is entitled: *Lack of Humour in the Workplace is No Laughing Matter*. In it he says, “A sense of humor serves as a pressure valve that can keep you enjoying your work even when times are stressful.” Mother Teresa insisted her workers have a time set aside for laughter at the end of each day, in spite of the broken humanity they encountered regularly. She understood that when we laugh at what we endure, then our troubles assume manageable proportions.

The fact that laughter is good medicine is nothing new. But it is worth repeating and Kathryn Rose, a freelance writer, says it well: “Mirth, especially when directed at ourselves, imparts a sense of control, puts distance between ourselves and our pain, gives us perspective, relieves tension, and allows us to take a break.”

In his book *Between Heaven and Mirth*, Rev. James Martin, SJ, says, “Humour is an essential requirement of spirituality. Most of the saints had a terrific sense of humour and could easily laugh at themselves.” And to paraphrase actress Shirley MacLaine, if we learn to laugh at ourselves, we will never cease to be amused.

So let’s get serious and open our spirits to allow good humour to grace our lives.

*Doug McCarthy is a retired OECTA member and principal, and currently a member of OECTA’s Speakers’ Bureau.*

#### EXAMPLES OF BULLYING OR HARASSING BEHAVIOUR IN THE WORKPLACE:

- spreading malicious rumours, gossip, or innuendo that is not true
- intimidating a person
- undermining or deliberately impeding a person’s work
- 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
- assigning unreasonable duties or workload that are unfavourable to one person (in a way that creates unnecessary pressure)
- criticizing a person persistently or constantly
- belittling a person’s opinions
- unwarranted (or undeserved) punishment
- blocking applications for training, leave or promotion

If you are not sure an action or statement could be considered bullying, you can use the “reasonable person” test – would most people consider the action unacceptable?