

Workplace Bullying Is a Workers' Comp, Not a Labour Issue



A probation officer claimed her employer failed to protect her against workplace bullying and harassment by her co-workers. She could have sued for discrimination in the Human Rights Tribunal but decided instead to have the union bring a labour grievance against the employer for violating its obligation under the collective agreement to ensure all workers a safe workplace. None of the above, responded the employer. Work-related bullying and harassment are psychological injuries covered by workers' comp. And under the workers' comp 'tradeoff' of guaranteed benefits for work-related injuries in exchange for no further litigation, she couldn't file a labour grievance. The Grievance Settlement Board agreed and tossed case. The court said the Board's decision was reasonable and refused to reverse it. Result: The officer would have to take her claim to the WSIB [*OPSEU Ontario Public Service Employees Union v. The Crown in Right of Ontario*, 2019 ONSC 1077 (CanLII), Feb. 21, 2019].