

## Respectful Workplace Procedures Manual

September, 2010

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## **INTRODUCTION**

This respectful workplace manual serves as a reference for staff of the Winnipeg Health Region Integrated Sites which include Corporate & Community, Pan Am Clinic, Deer Lodge Centre, Grace Hospital, Health Sciences Centre, River Park Gardens, Seven Oaks General Hospital, Concordia Hospital, Misericordia Health Centre and Victoria General Hospital.

This manual is intended to assist staff in understanding the privileges and obligations of employment. Where there is a conflict between this manual and any of the policies or collective agreements governing employment, the policies/collective agreements take precedence. Acceptance of employment means acceptance and adherence of the provision of this manual and all relevant site and Winnipeg Health Region policies.

As our organization continues to grow, the need may arise to revise, supplement or rescind certain portions of this manual from time to time.

Any ideas you have for improving this manual can be forwarded to your Human Resources department.

## **OUR COMMITMENT**

The Winnipeg Regional Health Authority and its integrated facilities (the “Winnipeg Health Region”) are committed to providing a work environment that respects and promotes human rights, personal dignity and health and safety

The Winnipeg Health Region supports the principle that all persons employed or contracted, as well as members of the medical staff, board members and volunteers, patients, clients, residents and members of the public are entitled to a work and service environment that is free from any form of disrespectful behaviour.

As confirmed in the Respectful Workplace Policy, conduct that contravenes these principles will not be tolerated and appropriate remedial and other action will be taken as means of enforcement.

## **RESPECTFUL WORKPLACE POLICY**

Winnipeg Health Region facilities have adopted the Respectful Workplace Policy which serves to confirm our commitment to our staff to provide a respectful workplace. All staff are expected to be familiar with the policy and its contents and to abide by its provisions. A copy of the policy can be accessed as attached to this manual, through the intranet/internet for your site, the site policy manual or, from your Human Resources department. The majority of the contents of the Respectful Workplace Policy have also been incorporated directly into this manual.

### **DEFINITIONS**

The following definitions are defined in the Respectful Workplace Policy and are used throughout this manual. Please review the definitions as they will assist in understanding what is considered disrespectful behaviour.

**Winnipeg Health Region facilities:** Facilities or sites within the Winnipeg Health Region that are owned or operated by the Winnipeg Health Region (Corporate, Home Care, Public Health, Mental Health, Pan Am Clinic, Red River Gardens, Grace Hospital, Deer Lodge Centre and Health Sciences Centre) or that are integrated sites (Seven Oaks General Hospital, Victoria General Hospital, Concordia Hospital, and Misericordia Health Centre).

**Investigator:** The site Director of Human Resources or his/her designate shall be the advisor/investigator - there may be occasions when the investigation is referred to a third party, or where the authority may be delegated by the Chief Operating Officer/President to someone other than the Director of Human Resources

**Complainant:** The person who is reporting an alleged breach of the Respectful Workplace Policy.

**Respondent:** The person alleged to have breached the provisions of the Respectful Workplace Policy and which may include staff, clients or a member of the public. If the Respondent is a client or member of the public, it is recognized that the Respondent's participation in any process pursuant to the Policy and manual will be voluntary and cannot be mandated.

**Client:** All persons receiving any service offered by a Winnipeg Health Region facility.

**Disrespectful Behaviour:** a course of conduct or comments that are inappropriate, demeaning or otherwise offensive behaviour intended to create an uncomfortable, hostile and/or intimidating work environment. Disrespectful Behaviour may be found to have taken place in and outside the workplace. Types of behaviour considered disrespectful include but are not limited to:

**Discrimination:** as defined in the Manitoba Human Rights Code, the differential treatment of an individual or group on the basis of a Protected Characteristic rather than on personal merit.

**Harassment:** as defined in the Manitoba Human Rights Code, a course of offensive and unwelcome conduct or comment made on the basis of a Protected Characteristic.

**Personal Harassment:** while not constituting Discrimination, Harassment or Sexual Harassment under the Manitoba Human Rights Code, a course of behaviour that is not respectful toward others with the intention to harm or be hurtful and which, without limitation includes:

- written or verbal abuse or threats
- leering (suggestive staring) or other offensive gestures
- patronizing or condescending behaviour
- humiliating staff in front of co-workers
- abuse of authority that undermines someone's performance or threatens her or his career
- bullying

**Sexual Harassment:** as defined in the Manitoba Human Rights Code, either:

- a series of objectionable and unwelcome sexual solicitations or advances or
- a single sexual solicitation or advance if it is made by a person who is in a position to confer a benefit on, or deny a benefit to the recipient of the solicitation or advance, if the person making the advance knows or ought to reasonably know that it is unwelcome or
- a reprisal or threat of reprisal for rejecting a sexual solicitation or advance

**Workplace Violence:** any act that results in injury or threat of injury, real or perceived, by an individual, including but not limited to:

- acts of aggression
- verbal or written threats
- vandalism of personal property

Disrespectful behaviour does not include: consensual banter or consensual romantic relationships; performance reviews, performance management, managerial functions or activities, counseling, and/or discipline imposed by the employer.

**Protected Characteristic:** as defined in the Manitoba Human Rights Code, includes:

- ancestry, including colour and perceived race
- ethnic background & national origin
- sex, including pregnancy, the possibility of pregnancy or circumstances relating to pregnancy
- sexual orientation and gender-determined characteristics
- age
- religion or creed, or religious belief
- marital or family status
- source of income
- political belief, activities or associations
- physical or mental disability or related characteristics or circumstances, including reliance on a dog guide or other animal assistant, a wheelchair or any other remedial device

## **RESPONSIBILITIES AND RIGHTS IN A RESPECTFUL WORKPLACE**

Within the workplace, the roles and responsibilities of different individuals in regard to ensuring a respectful workplace vary based on their function within the organization. Roles include:

### **Employer:**

Disrespectful behaviour within Winnipeg Health Region facilities will not be condoned or tolerated. Winnipeg Health Region facilities are committed to promoting mutual respect, cooperation and understanding to ensure a respectful, healthy and safe environment. All allegations of disrespectful behaviour will be considered and responded to appropriately, quickly, fairly and confidentially.

### **Employee/Staff:**

All employees have the responsibility to treat others with respect and are encouraged to bring forward concerns involving conduct that is disrespectful. No employee is required to tolerate disrespectful behaviour. Each employee is responsible and accountable for his/her own actions.

The provisions of the Respectful Workplace Policy and this manual do not take away an employee's right to take other actions and/or seek other remedies including filing a claim with the Manitoba Human Rights Commission or filing a grievance under a collective agreement.

### **Manager/Supervisor:**

Each manager and supervisor shall foster a respectful working environment. Managers and supervisors are expected to set an example by modeling respectful behaviour, and shall deal with situations immediately in an appropriate fashion upon becoming aware regardless of whether there has been a formal complaint. Managers/supervisors shall advise Human Resources of all allegations of disrespectful behaviour.

### **Human Resources:**

Human Resources are responsible for promoting awareness of the Respectful Workplace Policy and this manual; assisting management in the consistent application of the Policy and manual; consulting with and providing advice to management; counseling employees on their rights and options; receiving concerns and ensuring appropriate action is initiated; conducting investigations as required and working collaboratively with others involved.

### **Occupational & Environmental Safety & Health (OESH):**

OESH is responsible for guiding/assisting in the provision of a safe workplace through processes including but not limited to, job hazard analysis, risk assessment and review of direct and indirect causation of injury/near miss, development of prevention and control mechanisms including engineering controls, administrative controls, safe work plans and personal protective equipment.

### **Union:**

Unions have actively participated with the employer to ensure a respectful workplace. Many collective agreements contain provision supporting the need for a respectful workplace and the need to work collaboratively in this regard. Unions will provide support to their individual members who may be involved with concerns relating to disrespectful behaviour and will often participate in education and communication sessions in support of a respectful workplace. If a



union is aware of a concern that its members are not able to raise directly to an employer representative, the union may bring this matter to management's attention.

## **WHAT TO DO IF FACED WITH DISRESPECTFUL BEHAVIOUR**

The following is intended to help individuals if confronted with behaviour believed to be disrespectful. Each situation will be different and will need to be handled appropriately.

### **Safety First**

Staff faced with a potentially violent situation should exercise extreme caution and should consider the following:

- Remain calm and, if applicable, try to distance himself/herself as quickly and safely as possible from the situation.
- Employ safety techniques identified through training.
- In a facility setting, be aware of and use the Code White relating to a call for help due to aggressive behaviour.
- If possible, call for assistance from other staff.
- If the aggressor is a client who attempts to leave the room/building, do not attempt to physically prevent this departure; rather, call the appropriate emergency service to intervene appropriately.
- Immediately notify the supervisor, manager, Security or someone in authority and complete an Occurrence Report if appropriate.
- If necessary, Security will notify the police.
- If you have suffered an injury or a near miss as a result of the incident, the incident should be reported on a Winnipeg Health Region Injury Near Miss Report Form and to the Workers Compensation Board.

Absent safety concerns, staff are encouraged to consider the following options available to deal with concerns of disrespectful behaviour:

### **Immediate Resolution**

Anyone who believes that they are being subjected to conduct that is disrespectful is encouraged, if reasonable, comfortable and safe, to make a direct request of the individual(s) concerned that the behaviour stop immediately as it is not acceptable or respectful. Bringing your concerns forward immediately will normally address the matter quickly and is one of the best mechanisms to bring insight to the individual causing the concern that his/her behaviour is not acceptable. Often a person may not be aware that his/her behaviour is offensive, and most will change the behaviour once they are aware of the concern.

### **Consultation**

- Any person who thinks that he/she has been subjected to disrespectful behaviour and who has not been able to deal with the concern through immediate resolution may discuss their concerns in confidence with their manager or supervisor, Human Resources, site OESH Unit or a union representative. Discussing matters and bringing concerns forward does not commit an individual to filing a formal respectful workplace complaint.
- Individuals will be assisted to identify appropriate ways of responding to the concerns through both informal and formal means. Whenever reasonable, informal procedures to resolve these matters are preferable as they focus on rebuilding and repairing the on-going relationship between the affected parties.

- When concerns are raised to the attention of the employer, the employer retains the right to initiate a formal review of the matter, with or without the complainant's consent, if there are sufficient concerns regarding the physical or psychological impact of the alleged behaviour (both current or prospective).

## **Steps Following Consultation**

Following consultation, the following scenarios may occur:

- 1) the staff person decides not to pursue the matter further;
- 2) the employer determines that the concern does not fall under the provisions of the Respectful Workplace Policy and no further action will be taken under the policy or this manual;
- 3) the employer decides to pursue the matter on its own initiative due to the serious nature of the concern raised in which case either a informal process will be pursued or a formal investigation will be commenced;
- 4) the staff person pursues an informal resolution process; or
- 5) the staff person files a formal complaint.

## **Informal Resolution Processes**

There are multiple mechanisms by which concerns regarding disrespectful behaviour can be dealt with outside of the formal complaint/investigation process. Whether any of the options listed below are appropriate will depend on the situation and other options not currently contained within this manual may also be appropriate. Some of the options for informal resolution include:

### One-on-One Discussion

After having the chance to consult with other parties, staff may feel equipped or have a plan on how to discuss the concerns directly with the individual with whom they have concerns. Just as with immediate resolution, this will likely lead to an effective resolution as it is likely the individual will modify his/her behaviour once they are made aware of the concern. If this option proves unsuccessful, the other mechanisms for informal resolution remain available as well as the filing of a formal complaint.

### Management Involvement

Many situations can be effectively dealt with through the participation and involvement of management. This may include management taking any number of steps including but not limited to the setting and confirming of expectations, clarification of obligations, introduction of certain rules, procedures, guidelines, etc. Many such actions can result in the desired effect of ensuring the discontinuance of certain behaviours which will alleviate further concerns.

### Human Resources Involvement

Human Resources staff can assist in any number of ways including the provision of certain education and information sharing sessions with affected staff; reinforcement of standards and

expectations as well as providing certain cautions. Many such actions can result in the desired effect of ensuring the discontinuance of concerning behaviour.

### Peer Coaching

If the complainant needs some help developing an approach to take, consider discussing the issue with a Peer Coach. Peer Coaches have training in conflict resolution and may be able to help the complainant prepare for a difficult conversation. A listing of Peer Coaches at your site can be accessed through your Human Resources Department.

### Conciliation/Mediation

This option uses the assistance of a neutral third party to meet with the two parties (together or separately) in an attempt to resolve the concerns and to build agreement on how interactions will occur into the future. The focus is on rebuilding the relationship and not on finding fault of either party. Some employers provide conciliation/mediation services directly and others hire outside service providers. An individual from Human Resources, a manager or other employer representative may also serve in this role.

## **Filing a Formal Complaint**

For staff that are not able to resolve matters through immediate resolution or through an informal resolution process, the option remains for staff to file a formal complaint pursuant to the Respectful Workplace Policy. The process for filing a complaint is as follows:

Formal complaints must be made in writing and are to be completed by either using the form provided (see attached) or by submitting written particulars which contain the following information:

- identification of individual(s) involved
  - a clear description of the incident(s) of concern including dates, times, places
  - names of witnesses, if any
2. The complaint is to be forwarded to the Director of Human Resources in a sealed envelope marked confidential.
  3. The Director, Human Resources shall confirm receipt of the complaint to the complainant.
  4. The Director of Human Resources shall determine, based on the content of the complaint, whether the concerns fall within the Respectful Workplace Policy.
    - (a) If the concern falls under the Policy, the Director will then determine whether a formal investigation is appropriate or alternatively, whether an informal resolution process should be pursued.
    - (b) If the concern does not fall under the Policy, the Director will advise the complainant that it will not be pursued under the Policy and will advise of other possible processes that may be appropriate.
  5. If an informal process is identified, the Director of Human Resources or designate will work with the complainant and/or the respondent in an effort to satisfactorily resolve the concern.

6. If a formal investigation is determined appropriate, the Director of Human Resources will advise both the complainant and the respondent and will assign an investigator. The Respondent will be provided with a copy of the written complaint. Management in the respective areas will be advised as appropriate.
7. During the course of the investigation, the Director of Human Resources or designate will assess whether or not it is appropriate to temporarily change one or more individual's reporting relationship until the investigation is completed.
8. The investigator will contact the complainant and respondent to answer any procedural questions and to identify next steps. The respondent will be advised of the need to file a written reply to the complaint with the investigator by a set date (average length of time to reply no longer than two weeks). The written reply of the respondent is to be completed by either using the form provided (see attached) or by submitting written particulars which contain the following information:
  - identification of individual(s) involved
  - a clear description of the incident(s) of concern including dates, times, places
  - names of witnesses, if any
9. Throughout the course of the investigation, the investigator, the complainant and/or the respondent may request that the investigation be put on hold in an effort to resolve the matter through an informal process. Such request will be made to the Director of Human Resources for determination. If an informal process is approved and is successful, the matter will be closed. If an informal process is not used or, if used, is not successful, the Director will reinstate the investigation.
10. The investigator will discuss the complaint separately with both parties, and may consult with others who are in a position to provide relevant information. Both the complainant and the respondent may recommend relevant witnesses to the investigator. The investigator holds absolute discretion as to who he/she meets with in the course of the investigation. The purpose of these meetings is fact-finding and are in no way to be considered disciplinary meetings.
11. The complainant, the respondent and witnesses may have union representation (if unionized) during meetings with the interviewer and the interviewer shall advise of this option. Non-union staff may request permission to have a support person present at such meetings. Attendance of support persons for non-union staff shall be at the discretion of the interviewer and, if approved, shall result in no expense to the employer.
12. If staff are requested to attend a meeting with the interviewer, staff attendance is mandatory as the interviewer is acting as an agent of the employer.
13. Based on the investigation, a determination is to be made by the investigator as to whether or not a breach of the Respectful Workplace Policy has occurred. The test will be that of a "balance of probabilities" i.e. what would a reasonable person reviewing all of the relevant factual information conclude.
14. Following the interviews, a written report will be prepared by the investigator and provided to the Director of Human Resources.

15. The complainant, at any stage, may request that the complaint be withdrawn; however, the employer may still be obliged to investigate. Continuation or withdrawal of the complaint will be determined by the Director Human Resources.
16. Reasonable efforts shall be undertaken to complete an investigation within 90 days from date of approval to proceed unless circumstances warrant otherwise.
17. The Director Human Resources in consultation with the Chief Executive Officer/Chief Operating Officer and appropriate management representatives will determine what action, if any will be taken as a result of the findings contained within the investigation report.
18. The complaint process will be modified as follows if the complaint names
  - (a) **Chief Executive Officer/Chief Operating Officer:** the Chair of the Board of Directors will be involved.
  - (b) **Director, Human Resources:** the Chief Executive Officer/Chief Operating Officer will replace the Director of Human Resources in the process.
  - (c) **Medical Staff:** Any alleged breaches of the Respectful Workplace Policy against physicians shall be investigated and processed in accordance with this manual and the Respectful Workplace Policy and not under the processes outlined in the Medical Staff By-Law unless so delegated by the Chief Executive Officer. Should a physician be found to be in breach of the Policy appropriate disposition shall occur as determined by the Winnipeg Health Region facility and the Winnipeg Health Region Chief Medical Officer except that such disposition shall have no impact on the physician's privileges. This disposition does not prevent the simultaneous referral of the issue by the Winnipeg Health Region Chief Medical Officer to the Medical Executive Committee ("MEC") as a "complaint" pursuant to Section 6.2.3 of the Medical Staff By-law and MEC may determine the appropriate disposition of the complaint, in accordance with the Medical Staff By-Law, and whether the physician's privileges should be affected.
  - (d) **Students:** There will be consultation with the appropriate representative of the respondent's training organization to determine the appropriate remedy.
  - (e) **Volunteers:** The Manager of Volunteer Services will be consulted to determine the appropriate remedy.
  - (f) **Patients, Clients, Residents and Visitors:** The appropriate remedy will be implemented by the Senior Management representative and management staff for the area.
  - (g) **Suppliers/Contractors:** There will be immediate contact with the appropriate personnel within the external agency to determine the appropriate remedy.
19. A copy of the report will be shared by the Director of Human Resources with the complainant and respondent unless circumstances warrant not sharing the report in which case a summary

of the findings will be shared. The complainant and respondent may share the report with their union if they wish.

20. The complainant and the respondent may file a written response to the report if they wish. The written response(s) will be appended to the Report but will not act to modify the report or its findings unless the Director Human Resources determines it appropriate.

### **Time Limits for Filing a Written Complaint**

A complaint and/or portions of a complaint which identify matters which occurred on a date more than six (6) months prior to the filing of the complaint will not be investigated. Time limits may be extended at the discretion of the Director of Human Resources when:

- circumstances warrant an extension of the deadline;
- the delay in filing the complaint was incurred in good faith; and
- no substantial prejudice will result to any person because of the delay.

Historical incidents older than 6 months may form part of an investigation at the discretion of the investigator for the purpose of determining a more timely incident.

### **RELATED MATTERS**

#### **OCCUPATIONAL AND ENVIRONMENTAL SAFETY & HEALTH (OESH)**

Any issues raised under the Respectful Workplace Policy and considered pursuant to this Manual may also need to be considered under the Workplace Safety & Health Act (WSHA). Under the WSHA, issues involving employee safety (for example: violence and harassment), must be considered by the employer and dealt with in accordance with the provisions of that Act. Therefore, in addition to any of the processes and mechanisms for resolution set out under this Manual, the employer must also consider its obligations under the WSHA.

The OESH Respectful Workplace Program has been developed for this purpose. Therefore, whenever a respectful workplace concern has been raised to the employer's attention, consideration must be given to whether the employee's safety is or may have been at risk. If so, the Winnipeg Health Region OESH department must be contacted and advised in order that consideration can be given to whether the OESH Respectful Workplace Program also has application and should be implemented. If implemented, the Winnipeg Health Region OESH Respectful Workplace Program and any review under this Manual should not be conducted in isolation but coordinated.

#### **CONFIDENTIALITY**

To protect the interests of the complainant, the respondent, and any others who may be involved in incidents of concern, confidentiality will be maintained throughout the process to the fullest extent practicable and appropriate under the circumstances. Within the work environment of both parties, it is important that all involved work to ensure that individual privacy and confidentiality are respected. The investigation of the complaint will be limited to only those individuals who

must be contacted to fulfill the responsibility to investigate, provide a respectful workplace, and resolve the situation. Any breach of confidentiality is subject to appropriate disciplinary action.

## **UNION REPRESENTATION and TIMELINES UNDER COLLECTIVE AGREEMENTS**

At any point in the processes outlined in this guide including both informal and formal processes, unionized staff have the option of involvement of a union representative.

Should an informal or formal process be initiated, time limits under a collective agreement relating to grievances and or referral to arbitration should be extended as appropriate in the interests of attempting to achieve resolution of matters through alternative means.

## **INTERFERENCE OR RETALIATION**

Every staff member has a right to bring forward a legitimate concern under the Respectful Workplace Policy. Interference with this right or with an investigation or retaliation against a complainant, respondent, witness, or any other person involved will not be tolerated and may, by itself result in disciplinary action. Interference or retaliation may take the form of direct contact between the parties or more subtle actions such as shunning, reassignment, spreading of rumours, and breaches of confidentiality, among others.

## **VEXATIOUS AND BAD FAITH COMPLAINTS**

If the investigation proves that the complaint was deliberately made for frivolous or vindictive reasons, the employee making the false allegation is subject to discipline. This does not apply to complaints made in good faith but which are not proven.

## **RECORDKEEPING**


All records of complaints, including any and all oral or written information gathered, received, or compiled throughout the complaint resolution process shall be maintained in a secured confidential file by the Director of Human Resources.

All records shall remain on file for a minimum of ten (10) years. Anonymous data, however, shall continue to be recorded by the Director of Human Resources for statistical purposes only.

## **EMPLOYEE ASSISTANCE PLAN:**

Employee Assistance Plan (EAP) services are available to all staff. Staff in need of support or counseling should contact the Human Resources department or EAP directly by

- phone: (204) 786-8880
- TTY: (204) 775-0586
- toll-free: 1-800-590-5553

 <p>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé</p> <p style="text-align: center;"><b><u>POLICY</u></b></p>	<b>WRHA GOVERNED SITES</b> Applicable to programs, departments and services of the WRHA governed sites		Level:  <b>2A</b>
	Policy Name: <b><u>Respectful Workplace (Applicable to All Staff)</u></b>	Policy Number: 20.10.090	Page 1 of 3
	Approval Signature: <i>Original signed by B. Postl</i>	Section: HUMAN RESOURCES	
	Date: January 5, 2010	Supercedes: May 2006	

1.0 **PURPOSE:**

All WRHA Staff are entitled to a respectful work environment free of Disrespectful Behaviour including Discrimination, Harassment, Sexual Harassment, Personal Harassment and Workplace Violence.

2.0 **DEFINITIONS:**

- 2.1 **Staff** – all persons employed or contracted by the WRHA as well as members of the medical staff, volunteers, board members and students
- 2.2 **Disrespectful Behaviour** – actions or comments that are inappropriate, demeaning or otherwise offensive behaviour resulted an uncomfortable, hostile and/or intimidating work environment. Disrespectful Behaviour may be found to have taken place in and outside the workplace. Types of behaviour considered disrespectful include but are not limited to:
- 2.2.1 **Discrimination:** as defined in the Manitoba Human Rights Code, the differential treatment of an individual or group of the basis of a Protected Characteristic rather than on personal merit.
- 2.2.2 **Harassment:** as defined in the Manitoba Human Rights Code, a course of offensive and unwelcome conduct or comment made on the basis of a Protected Characteristic.
- 2.2.3 **Sexual Harassment:** as defined in the Manitoba Human Rights Code, either:
- A series of objectionable and unwelcome sexual solicitations or advances; or,
  - A single sexual solicitation or advance if it is made by a person who is in a position to confer a benefit on, or deny a benefit to the recipient of the solicitation or advance, if the person making the advance knows or ought to reasonably know that it is unwelcome; or
  - A reprisal or threat of reprisal for rejecting a sexual solicitation or advance.
- 2.2.4 **Personal Harassment:** while not constituting Discrimination, Harassment or Sexual Harassment under the Manitoba Human Rights Codes, a course of behaviour that is not respectful toward others with the intention to harm or be hurtful and which, without limitation includes:
- Written or verbal abuse or threats;
  - Leering (suggestive staring) or other offensive gestures;



- Patronizing or condescending behaviour;
- Humiliating staff in front of co-workers;
- Abuse of authority that undermines job performance or threatens a career path; or,
- Bullying
- Cyber bullying
- Disrespectful internet postings

And which, in addition to the Protected Characteristics listed below, includes an individual's weight and/or size

- 2.2.5 Workplace Violence: any act that results in injury or threat of injury, real or perceived, by an individual, including but not limited to:
- Acts of aggression
  - Verbal or written threats
  - Vandalism of personal property
- 2.3 Disrespectful Behaviour does not include: consensual banter or consensual romantic relationships; exercising appropriate management authority and responsibility including performance and attendance management, providing direction or instruction, operational change, coaching, counseling, and/or discipline by a supervisor or manager.
- 2.4 Protected Characteristic: as defined in the Manitoba Human Rights Code, includes:
- Ancestry, including colour and perceived race
  - Ethnic background & national origin
  - Sex, including pregnancy, the possibility of pregnancy or circumstances relating to pregnancy
  - Sexual orientation and gender-determined characteristics
  - Age
  - Religion or creed, or religious belief
  - Marital or family status
  - Source of income
  - Political belief, activities or associations
  - Physical or mental disability or related characteristics or circumstances
- 2.5 Complainant – The person reporting an incident of potential Disrespectful Behaviour.
- 2.6 Respondent – the person alleged to have committed the Disrespectful Behaviour including Staff, Clients or a member of the public. If the Respondent is a Client or member of the public, it is recognized that the Respondent's participation in any process pursuant to this policy will be voluntary and cannot be mandated.

### 3.0 **POLICY:**

- 3.1 Employer Responsibility:
- 3.1.1 As far as is reasonably practical, provide a workplace free of Disrespectful Behaviour and hold staff in violation of this Policy accountable.
- 3.1.2 Develop, implement and communicate fair and timely procedures which address allegations or concerns in regard to Disrespectful Behaviour and which incorporate:
- the process by which Staff may raise a concern, how the concern will be handled, and how the results of the process will be communicated back to the parties including the Staff involved
  - measures to ensure that all concerns are treated confidentially including the name of the Complainant(s) and Respondent(s) or the circumstances to any person except as necessary to investigate the complaint or as required by law
  - Occupational and Environmental Safety and Health Programs to eliminate or minimize the risk of violence in the workplace

- 3.1.3 This Policy and associated procedures and guides shall be posted on Workplace Safety & Health Boards in all WRHA integrated facilities.
  - 3.1.4 Signage shall be posted in integrated WRHA facilities containing wording which supports the purpose of this Policy.
- 3.2 Staff Responsibility:
- 3.2.1 Treat others respectfully
  - 3.2.2 Report Disrespectful Behaviour using the procedures established pursuant to this Policy and shall respect the confidentiality of all parties involved.
  - 3.2.3 This Policy does not prevent Staff from exercising any other legal right including the filing of a complaint with the Manitoba Human Rights Commission pursuant to the provisions of *The Manitoba Human Rights Code* respecting discriminatory practices or of the right to refuse unsafe work pursuant to The Workplace Safety and Health Act.
  - 3.2.4 Anyone filing a frivolous complaint or complaint made in bad faith or, anyone who retaliates against a person who makes a complaint or is involved in an investigation as a witness is subject to disciplinary action.
- 3.3 Manager/Supervisor Responsibility:
- 3.3.1 Each manager, supervisor and team leader shall foster a safe working environment free from Disrespectful Behaviour and shall ensure that situations of alleged or potential Disrespectful Behaviour are dealt with in accordance with this Policy and associated procedures regardless of whether or not a Staff complaint has been made.
  - 3.3.2 Managers, supervisors and team leaders shall advise Human Resources of all complaints made pursuant to this Policy
- 3.4 Effect of Complaint On Other Proceedings  
This Policy in no way prevents Staff from exercising any other legal rights available to them under and other process or law and specifically, Staff have continued and full access to raise concerns and/or file complaints with The Manitoba Human Rights Commission.
- 4.0 **PROCEDURE:**
- 4.1 See Procedures Manual
  - 4.2 See Occupational and Environmental Safety and Health Respectful Workplace Program
- 5.0 **REFERENCES:**
- 5.1 Disclosure of Staff Concerns Policy 20.50.100
  - 5.2 The Manitoba Human Rights Code
  - 5.3 The Labour Relations Act (Manitoba)
  - 5.4 The Workplace Safety and Health Act (Manitoba)

*Policy Contact: John Van Massenhoven, Regional Director Human Resources Services, Community Hospitals & H.R. Legal Counsel*

# Respectful Workplace Complaint Form

<b>Complainant's name</b>	
<b>Department/Unit</b>	
<b>Phone Numbers (work/cell/home)</b>	
<b>Who is complaint filed against? (name &amp; position)</b>	

In your own words, please indicate the details of your complaint. If you would like to provide a more detailed description, please attach to this form. The following is a description of the incident(s), which include dates, times, places, names of persons directly involved as well as the names of any witnesses.

Please describe what actions, if any, that you have taken to try to resolve this problem.

What resolution are you seeking?

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Date

**Please note:**

- 1) **The filing of this complaint does not guarantee that an investigation will occur. The complaint will be reviewed and an assessment made by the employer as to whether an investigation is warranted and/or whether an informal resolution process should be pursued.**
- 2) **This document and any attachments that you provide in the course of filing a complaint will be held in confidence. The complaint form and its attachments may be disclosed to the respondent named in the complaint and to the investigator appointed to assist with the resolution of this complaint, as outlined in the policy procedures. Your signature confirms that you have been made aware and give permission for the above use of this information.**
- 3) **Filing this complaint in no way limits your ability to consider other options such as a complaint under the Human Rights Code or the filing of a grievance under a collective agreement.**

**SUBMIT COMPLETED FORM TO DIRECTOR, HUMAN RESOURCES IN A CONFIDENTIAL ENVELOPE.**

# Respectful Workplace Respondent's Response Form

Your name	
Department/unit	
Phone Numbers (work/cell/home)	

I have read a copy of the written complaint and am providing the following response.  
(If more space is required, please attach a copy to this form).

(include dates, times, places, names of witnesses if there were any)

Were you aware of the complaint prior to receipt of the formal complaint; have you attempted to resolve the problem, and if so, describe.

Do you have a proposed resolution? Explain

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Date

**Please note:**

- 1) **The filing of this response does not guarantee that an investigation will occur. The complaint and response will be reviewed and an assessment made by the employer as to whether an investigation is warranted and/or whether an informal resolution process should be pursued.**
- 2) **This document and any attachments that you provide in the course of filing a response will be held in confidence. The response form and its attachments may be disclosed to the complainant. Your signature confirms that you have been made aware and give permission for the above use of this information.**

**SUBMIT COMPLETED FORM TO DIRECTOR, HUMAN RESOURCES IN A CONFIDENTIAL ENVELOPE**

# Investigator's Checklist

Standard for all interviews with all parties involved:

- Provide a copy of the Respectful Workplace Policy, as well as the Manual and explain the interview process, the investigator's role and the purpose of the interview.
- For unionized staff offer option of union representation
- Seek commitment to fully disclose information to best of his/her recollection.
- Review time lines, confidentiality, retaliation prohibited
- Review notes with interviewee to confirm accuracy and solicit explanations for any discrepancies between the written and verbal submissions.
- Stress the need to maintain confidentiality to protect the integrity of the investigation and direct not to discuss matters covered during the interview outside of the meeting room.
- Is there a safety concern for the employee? If so, involve OESH at site.

Complainant:

- Confirm name & position of complainant
- Who allegedly breached the policy?
- How often did the alleged behaviour occur?
- Where did incidents take place?
- Were there any witnesses? If so, get names & details.
- How did complainant feel about the behaviour at the time it occurred?
- How did complainant respond to the behaviour?
- Did complainant make attempt to stop it?
- Did complainant tell anyone what happened? Who?
- Does complainant know of or suspect that there are other victims of inappropriate behaviour by same person?
- How is current relationship?
- Is the employee regularly or infrequently in the same work area?
- What resolutions would be most beneficial to complainant and other parties?

Respondent:

- Provide copy of original complaint, with instruction to submit written and signed response within one week
- Confirm dates, times, places, witnesses
- What are current interactions with complainant?
- How is current relationship with complainant?
- Is the employee regularly or infrequently in same work area?

Witnesses:

Confirm details, dates, times, places

Report:

- Finalize report in writing with recommendations and provide to COO/designate
- Share report with complainant and respondent as appropriate

# Template for Investigator's Report

- Introduction
  - Description of the allegations
  - Identification of provisions in the Respectful Workplace policy that have allegedly been violated
- Evidence
  - Summarize the process and steps that were followed in the course of the investigation
  - Brief review of relevant information and documents obtained
  - Description of issues raised and positions taken by both parties on each of the issues – use direct quotes where possible
  - How were witnesses identified for the interviews
  - Global summary of witnesses accounts described in a manner, if reasonably possible, that does not identify which witness provided specific information. Quotes may be included if appropriate and necessary
- Findings / Conclusion
  - Investigator's conclusion based on the analysis of evidence as to whether there has been a violation of the policy
  - Recommendations: The Investigator may choose to make certain recommendations which could include, but are not limited to, any of the following:
    - Education
    - Training
    - Counseling
    - Appropriate discipline
    - A private or public apology
    - Relief from specific duties
    - Transfer



## Respectful Workplace Log

Name of Complainant	
Department/Unit	
Investigator	

Date complaint received	
Safety risk? If yes, contact OESH at site	
Confirmation letter to Complainant sent	
Copy of complaint sent to Respondent	
Date for Respondent response	
Copy of Respondent response sent to Complainant	
Interviews:	
- Complainant	
- Respondent	
- Witness	
- Witness	
- Witness	
- Witness	
- Complainant (if appropriate)	
- Respondent (if appropriate)	
Date investigation completed	
Final report with recommendations to COO/Sr. Mgr.	
Report shared with complainant	
Report shared with Respondent	

Notes: