



Respectful Workplace & Harassment/Violence Prevention

Section	Date Passed	Resolution #	Reviewed	Date Repealed	Resolution #
Administration	September 6, 2016	2016-221			

POLICY

The Town of Neepawa is committed to providing a safe and respectful work environment that is free from discrimination, disrespectful behavior, disruptive workplace conflict, harassment and violence.

1.0 DEFINITIONS

Complainant – a person who makes a complaint that someone has done something wrong.

Discrimination – includes any conduct which is specifically prohibited under the *Human Rights Code* of Manitoba resulting from differential treatment of any person due to ancestry, race, ethnic or national origin, nationality, political belief, religion, family status, age or place of residence, sex, including pregnancy, age, marital status, sexual orientation, physical or mental disability.

Disrespectful Behavior – behavior that is unwelcome and inappropriate in the workplace. It may happen once or continue over time and can include:

- Rude comments and swearing as well as spreading unfounded or misinformed rumors that damage the employee's or employer's reputation or destroy public trust.
- Actions that invade privacy or personal property or unwelcome gestures.
- Display or distribution of printed or electronic material that offends.

Disruptive Workplace Conflict – an ongoing dispute or communications breakdown between two or more individuals that impacts their ability to work productively and cooperatively in the workplace.

Harassment – an offensive action, comment, contact, gesture or display (or combination thereof), in written, verbal or physical form, which constitutes discrimination; has the effect of demeaning, humiliating, intimidating or embarrassing another person; and that a reasonable person should have known would be unwelcome. It may be a single incident or continue over time. There are two main types of harassment:

- Inappropriate conduct - in any form, with respect to a person's age or race; creed or religion; sex or sexual orientation; marital, family or economic status; political belief, association or activity; disability, size, weight, physical appearance; nationality, ancestry or place of origin.
- Bullying" behavior that may involve repeated humiliation or intimidation that adversely affects a worker's psychological or physical well-being. Can be a single instance so serious that it has a lasting, harmful effect on a worker, or be continuous and repeatedly over the course of time.

Harassment does not include reasonable actions by managers/supervisors to help manage, guide or direct workers or the workplace; appropriate employee performance reviews, counselling or discipline by a manager/supervisor or actions that are mutually agreeable.

Respondent – the person against whom a complaint is filed.

Violence – is the attempted or actual exercise of physical force against a person and any threatening statement or behavior that gives anyone reason to believe that physical force will be used against them.

2.0 RIGHTS & RESPONSIBILITIES

2.1 Employee Rights and Responsibilities

- Entitled to work in a safe respectful environment, free of harassment, discrimination and violence.
- Responsible for the respectful treatment of each other. Employees who experience harassment/discrimination/violence, or witness another person being harassed, etc. should report it immediately to their Manager/Supervisor, or to the Chief Administrative Officer (CAO).
- Responsible to cooperate in the investigation of any complaint and ensure that any evidence or information related to a complaint investigation is kept confidential.
- Has the right to file a complaint with the Manitoba Human Rights Commission.
- If involved in a violent incident, employees and family members (if applicable) will receive medical assistance and/or crisis counselling (if required); and will continue to receive all existing benefits programs while under treatment and/or counselling.

2.2 Employer Responsibilities

- Ensure, as much as possible, that all employees are provided with a safe and respectful work environment and that no employee is harassed or subject to violence in the workplace.
- Review incidents and take reasonable steps to accommodate employees involved in the situation.
- Take corrective action against anyone under their direction, who is either the subject of a complaint; who files a frivolous or vexatious complaint; or who participates in harassing or discriminating against another person.
- In cases of violence or injury, file applicable reports with the Workers Compensation Board.
- Maintains a safe and respectful work environment, free of harassment and violence. Managers who become aware of harassment or violence must do everything possible to stop it, whether or not a complaint is made.
- Establish clear policies in support of promoting and maintaining a respectful workplace, including safe work procedures to eliminate or minimize the risks of violence.

3.0 PROCEDURE

3.1 Handling Complaints/Incidents

- a. As a first step, Complainants should, if possible, confront the offending person (Respondent) verbally, or in writing, to inform them that their conduct is unacceptable and unwelcome;
- b. If the Complainant is unable to approach the Respondent directly, or if the approach is unsuccessful, the Complainant shall report the offensive conduct to their Manager or Supervisor and the CAO. Reports shall be in writing, and where at all possible, within (1) working day of the event giving rise to the complaint.
- c. In instances of violence where injury or mental trauma occurs, reporting shall occur as soon as reasonably possible. The worker and supervisor will complete injury reports and file them with the respective Manager or Supervisor and the CAO, who will report to the Workers Compensation Board. Incidents of violence or potential violence will be assessed and an appropriate course of action determined to protect employees and employer.

- d. Individuals being harassed or discriminated against are encouraged to document the actions and note any witnesses to such actions. This information to be provided with the written complaint;
- e. If the Manager or Supervisor is the Respondent, the Complainant should report directly to the CAO, or to the Human Resource (H/R) Committee of Council, if the CAO is the Respondent.
- f. Each complaint will be investigated within three (3) weeks of receiving it in writing. The investigation will include interviews with the Complainant, the Respondent, the Respondent's Manager, and any witnesses. Only relevant documentation will be reviewed. The Complainant and Respondent may be accompanied in their interviews by a union representative (in the case of union members), or another employee (in the case of non-union members);
- g. The CAO is authorized to utilize or retain such internal or external agencies, or solicit such internal or external legal advice as required.
- h. Upon conclusion of the investigation or receipt of any investigative information, as the case may be, the CAO shall meet with the H/R Committee to review the matter, including any report or legal advice received.
- i. If the complaint is well founded, the CAO, with the support of the H/R Committee shall determine if sanctions are warranted against the Respondent. Sanctions may include discipline up to and including the dismissal or disqualification.
- j. Complainants and Respondents shall be notified of the date upon which a final report will be made, and will receive a summary of the findings, but not the content of the report.
- k. By initiating or participating in a complaint, an employee or employer does not surrender or waive any right to file a complaint with the Manitoba Human Rights Commission (MHRC) under the Human Rights Code. Similarly, initiating a complaint pursuant to this policy is not a prerequisite to filing a complaint with the MHRC. However, if an employee chooses to lodge a complaint with the MHRC, the Town requests to be informed of such action.
- l. In accordance with the provisions of the Human Rights Code, information obtained during any internal investigation contemplated under this policy shall be disclosed for the purposes of investigating complaints filed with the MHRC.

3.2 Discipline

Shall be in accordance with the disciplinary practices as outlined in the current approved Town of Neepawa Personnel Policy, or any governing legislation that may supersede.

Complaints determined to be frivolous or vexatious (i.e. no merit, or a complaint made for the purposes of embarrassing or harming the Respondent), may also be subject to disciplinary actions. However, it is noted that a complaint may be unsubstantiated without being frivolous or vexatious.

3.3 Retaliation

Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation or been found guilty of harassment, will be considered to have committed harassment and will be subject to disciplinary actions.

3.4 Remedies for the Harassed Worker

In keeping with the requirements of The Human Rights Code, employees who have been harassed may be entitled to one or more of the following remedies, dependent on the severity of the harassment and its effects:

- i. An oral or written apology;
- ii. Compensation for any lost wages;
- iii. A position or promotion that was denied due to harassment;

- iv. Compensation for any lost employment benefits (i.e. sick leave);
- v. No record of the complaint, investigation or decision will go in the employee's personnel file if the complaint was made in good faith. Any unfavorable work review or comments that were placed in the complainant's personnel file because of the harassment will be removed from the file.

4.0 VIOLENCE – STEPS TO ELIMINATE & MINIMIZE RISK

- a. The Town commits to developing and reviewing safe work policies to inform and train employees.
- b. Established protocol and policies for individuals working alone.
- c. Respective procedures will premise the handling of irate customers for the protection and personal safety of employees and employer. Access to buildings/offices may be restricted, dependent on the individual or situation, with RCMP assistance as necessary or required.
- d. In no event shall an employee be left unsupervised in the company of an irate customer or questionable individual. Where possible, these individuals will be addressed in plain view (i.e. front counter or in public area), thus allowing the availability of assistance, if required.
- e. If physical assault occurs, immediately contact the RCMP.
- f. Communication contact (phone/radio) will be available to all employees working alone.

5.0 GENERAL

- 5.1 The Town of Neepawa commits to ensuring all its employees, managers and supervisors learn about harassment and the Respectful Workplace and Harassment/Violence Prevention Policy.
- 5.2 The Town will monitor this policy and make adjustments whenever necessary. Concerns with respect to this Policy should be directed to the appropriate Manager/Supervisor or the CAO.
- 5.3 This Policy does not discourage or prevent anyone from exercising their legal rights.
- 5.4 The Town of Neepawa Workplace Safety and Health Committee shall be kept apprised of all violent incident reports; actively participate in ensuring awareness of this Policy; and provide input or recommendations to this Policy as necessary.

6.0 CONFIDENTIALITY

All inquiries or complaints, including any information pertaining to a complaint, will be treated in the strictest confidence. The name of the Complainant and Respondent, and any circumstances relating to the complaint, will remain confidential and only disclosed where necessary for the purpose of investigating a complaint, taking disciplinary or legal action, or where required by law.