HUMAN RESOURCES

Policy & Procedure

Title	**RESPECTFUL WORKPLACE**	Date Effective	**March 25, 2013**
Document #	**HR-02-55**	Date Reviewed	**November 24, 2023**
Scope	**ALL EMPLOYEES, INDEPENDENT CONTRACTORS, VOLUNTEERS AND LEARNERS**	Date Revised	**November 28, 2023**
Approved By	**EXECUTIVE LEADERSHIP COUNCIL**	Signature	***Original signed by R. Sewda***
Managed By	**VP HUMAN RESOURCES & CHIEF HUMAN RESOURCES OFFICER**		

This is a standard provincial policy that can only be changed with the approval of the Provincial Human Resources Leadership Council.

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1.0 PURPOSE

1.1 Northern Health Region (NHR) staff are entitled to a respectful work environment free of Disrespectful Behavior. To this end, NHR will ensure, so far as is reasonably practicable, that no worker is subjected to this behaviour in the workplace. Where appropriate NHR will investigate and implement corrective action respecting any person under the employer's direction who subjects a worker to disrespectful behaviour.

2.0 DEFINITIONS

2.1. **Staff:** All persons employed or contracted by NHR as well as members of the medical staff, volunteers, board members and students.

2.2. **Workforce Related Disrespectful Behavior:** Means disrespectful behaviour towards a worker by his or her employer or supervisor or by another worker, whether or not the harassment occurs at the workplace. Types of behavior considered disrespectful include but are not limited to:

Note: *This includes any act or omission that results in workforce related disrespectful behaviour within this definition, regardless of the form of the act or omission; the focus of the harasser's actions is not on his/her intent, but rather on the impact felt by the complainant.*

1.1.1 **Discrimination**: as defined in the Manitoba Human Rights Code 9(1)

1.1.1.1 differential treatment of an individual on the basis of the individual's actual or presumed membership in or association with some class or group of persons, rather than on the basis of personal merit; or

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1.1.1.2 differential treatment of an individual or group on the basis of any characteristic referred to in subsection (2); or

1.1.1.3 differential treatment of an individual or group on the basis of the individual's or group's actual or presumed association with another individual or group whose identity or membership is determined by any characteristic referred to in subsection (2); or

1.1.1.4 failure to make reasonable accommodation for the special needs of any individual or group, if those special needs are based upon any characteristic referred to in subsection, the differential treatment of an individual or group on the basis of a Protected Characteristic (see definition) rather than on personal merit.

1.1.2 **Harassment** as defined and interpreted in the Workplace Safety and Health Act means:

1.1.2.1 objectionable conduct that creates a risk to the health of a worker; or

Interpretation in Workplace Safety and Health Act: objectionable, if it is based on race, creed, religion, colour, sex, sexual orientation, gender-determined characteristics, marital status, family status, source of income, political belief, political association, political activity, disability, physical size or weight, age, nationality, ancestry or place of origin;

1.1.2.2 severe conduct that adversely affects a worker's psychological or physical well-being.

Interpretation in Workplace Safety and Health Act: severe, if it could reasonably cause a worker to be humiliated or intimidated and is repeated, or in the case of a single occurrence, has a lasting, harmful effect on a worker.

1.1.2.3 This conduct includes but is not limited to

- 1.1.2.3.1 a written or verbal comment,
- 1.1.2.3.2 a physical act or gesture or a display, leering (suggestive staring) or other offensive gestures;
- 1.1.2.3.3 Patronizing or condescending behavior;
- 1.1.2.3.4 Humiliating staff in front of co-workers;
- 1.1.2.3.5 Abuse of authority that undermines job performance or threatens a career path; or,
- 1.1.2.3.6 Bullying;
- 1.1.2.3.7 Cyber bullying;
- 1.1.2.3.8 Disrespectful internet postings; or
- 1.1.2.3.9 Any combination of the above.

1.1.3 **Sexual Harassment:** as defined in the Manitoba Human Rights Code 19(2), either:

1.1.3.1 A series of objectionable and unwelcome sexual solicitations or advances; or,

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1.1.3.2 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

1.1.3.3 A reprisal or threat of reprisal for rejecting a sexual solicitation or advance.

1.1.4 **Workforce Related Disrespectful Behavior does not include:**

1.1.4.1 Consensual romantic relationships;

1.1.4.2 Exercising appropriate management authority and responsibility including performance and attendance management;

1.1.4.3 Providing direction or instruction,;

1.1.4.4 Operational change, coaching, counseling, and/or discipline by a supervisor or manager;

1.1.4.5 Workplace violence as defined in the Violence Prevention in the Workplace Policy #HR-09-145

1.1.5 **Protected Characteristic:** as defined in the Manitoba Human Rights Code 9 (2), includes:

- Ancestry (including colour and perceived race);
- Nationality or national origin;
- Ethnic background or origin;
- Religion or creed, or religious belief, religious association or religious activity;
- Age;
- Sex, including sex-determined characteristics, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
- Gender-identity;
- Sexual orientation;
- Marital or family status;
- Source of income;
- Political belief, political association or political activity;
- Physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device; and
- Social disadvantage.

1.1.6 **Complainant:** The person reporting an incident of potential Disrespectful Behavior.

1.1.7 **Respondent:** The person alleged to have committed the Disrespectful Behavior.

3.0 POLICY STATEMENT(S)

3.1. Employer Responsibility:

3.1.1 As far as is reasonably practical, provide a workplace free of Disrespectful Behavior 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 Behavior and which incorporate:

3.1.2.1 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.

3.1.2.2 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.

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3.2. This Policy and associated procedures and guides shall be posted on Workplace Safety & Health bulletin boards in all NHR facilities.

3.3. Signage shall be posted containing wording which supports the purpose of this Policy.

3.4. **Staff Responsibility:**

3.4.1. Treat others respectfully.

3.4.2. Report Disrespectful Behavior using the procedures established pursuant to this Policy and shall respect the confidentiality of all parties involved.

3.4.3. 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.

3.4.4. 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.

3.5. **Manager or Supervisor Responsibility:**

3.5.1. Each manager, supervisor and team leader shall foster a safe working environment free from Disrespectful Behavior as far as is reasonably practicable and shall ensure that situations of alleged or potential Disrespectful Behavior are dealt with in accordance with this Policy and associated procedures regardless of whether or not a Staff complaint has been made.

3.5.2. Managers, supervisors and team leaders shall advise Human Resources of all complaints made pursuant to this Policy

3.6. **Effect of Complaint on Other Proceedings**

This Policy in no way prevents Staff from exercising any other legal rights available to them under any other process or legislation.

In particular:

- Unionized employees have the right to file a grievance through the grievance and arbitration procedure outlined in the applicable collective agreement alleging a violation of their human or other employment-related statutory rights.
- Non-unionized employees may file through internal processes that may be available to them or file a complaint with the Manitoba Human Rights Commission or other statutory board or tribunal.

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 CEO. Should a physician be found to be in breach of the Policy appropriate disposition shall occur as determined by the NHR facility and the NHR CMO 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 NHR CMO 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.

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4.0 PROCEDURE / RESPONSIBILITIES

4.1 Appendix A Respectful Workplace Process

4.2 Appendix B Respectful Workplace Procedures Manual

4.3 Indigenous Specific Racism (AD-01-195) and Respectful Workplace (HR-02-55) Complaint Form #: NHR_0172 (paper form)

4.4 Indigenous Specific Racism (AD-01-195) and Respectful Workplace (HR-02-55) Complaint Form #: NHR_0172 (link to Cognito form)

5.0 REFERENCES

5.1 Northern Health Region. Violence Prevention in the Workplace Policy #HR-09-145

5.2 Government of Manitoba. *The Manitoba Human Rights Code.* Retrieved on July 11, 2019 from https://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php.

5.3 Government of Manitoba. *The Labour Relations Act (Manitoba)*. Retrieved on July 11, 2019 from https://web2.gov.mb.ca/laws/statutes/ccsm/l010e.php

5.4 Government of Manitoba. *The Workplace Safety and Health Act and Regulation (Manitoba)*. Retrieved on July 11, 2019 from https://web2.gov.mb.ca/laws/regs/current/217.06.pdf

6.0 POLICY CONTACT

6.1 Provincial Workplace Safety & Health Working Group with representation from:

- Executive Sponsor - Provincial Human Resources Leadership Council
- CancerCare Manitoba
- Interlake-Eastern Regional Health Authority
- Manitoba Health, Seniors and Active Living
- Northern Health Region
- Prairie Mountain Health
- Provincial Health Labour Relations Services
- Shared Health Manitoba
- Southern Health
- Winnipeg Regional Health Authority

7.0 REVISION AND REVIEW DATE(S)

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