

WORKPLACE HARASSMENT AND VIOLENCE POLICY

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A. INTRODUCTION

- ❖ Every worker is entitled to employment free of harassment and violence.
- ❖ We will make every reasonable effort to ensure that no worker is subjected to harassment or violence in the workplace.
- ❖ Disciplinary action will be taken against any person who subjects a worker to harassment or violence.
- ❖ There will be no reprisals for bona fide complaints of harassment or violence.
- ❖ This policy applies to all employees including full-time, part-time, and casual workers, and management.
- ❖ This policy will be reviewed annually and updated as required by changing legislation or workplace requirements.
- ❖ All employees are expected to review this policy. After reviewing this policy, please complete the attached form at Appendix A and provide it to your supervisor.

B. DEFINITIONS**1. "Domestic Violence"** means

- a) an intentional, reckless, or threatened act or omission that causes bodily harm or property damage;
- b) an intentional, reckless, or threatened act or omission that causes a reasonable fear of bodily harm or property damage;
- c) conduct that reasonably, in all the circumstances, constitutes psychological or emotional abuse;
- d) forced confinement;
- e) sexual abuse.

2. "Harassment" means

- a) Behaviour of a person, either by repeated conduct, comments, displays, actions, or gestures, or by a single serious comment, display, action, gesture, or occurrence of conduct, that is
 - i. unwelcome, vexatious, hostile, inappropriate or unwanted,
 - ii. based on race, creed, religion, skin colour, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry, or place of origin, or
 - iii. an improper use of the power or authority inherent in the person's position, and
- b) that, in respect of a worker,
 - i. threatens the health or safety of the worker,
 - ii. endangers a worker's job or threatens the economic livelihood of the worker,
 - iii. undermines the worker's job performance or negatively interferes with the worker's career in any other way,
 - iv. adversely affects the worker's dignity or psychological or physical integrity, or
 - v. results in a harmful workplace for the worker.

3. "Workplace-related harassment" means

- a) harassment of a worker by an employer or supervisor or by another worker, whether or not the harassment occurs at the workplace.

4. "Workplace Violence" means

- a) the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker, or
- b) an attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker.

5. "Harassment" does not include:

- a) reasonable action taken in a reasonable manner by an employer or supervisor to
 - i. assess, evaluate, transfer, demote, discipline, or dismiss a worker, or
 - ii. manage and direct the employer's worker or workplace;
- b) a decision by an employer or supervisor, based on reasonable grounds, not to award or provide a promotion, transfer, or benefit to a worker;
- c) reasonable action taken in a reasonable manner under an Act or regulation affecting a worker.

C. EXAMPLES OF HARASSING CONDUCT

- verbal aggression or insults
- personal ridicule (put-downs, teasing) or malicious gossip
- insulting, derogatory (mean, critical, embarrassing) comments, jokes or gestures
- harmful hazing or initiation practices
- vandalizing personal belongings
- spreading malicious rumours
- inappropriate or hurtful gestures or comments
- referring to a person using terms that do not align with the person's stated gender
- using cyberbullying such as posting offensive or intimidating messages through social media, email, or text
- offensive comments about appearance or clothing
- malicious or uncalled for interference with another's work
- belittling or patronizing behaviour or comments
- unwelcome physical contact
- physical aggression
- singling someone out in a negative or discriminatory way with comments or conduct directed at their ethnic background or origin, religion or creed, or religious belief, religious association or religious activity, age, sex, including sex-determined characteristics or circumstances, 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 social disadvantage
- following, watching, or photographing a colleague
- indecent exposure
- making inappropriate sexual advances
- propositions or pressure for sexual activity
- continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome
- suggestions that sexual favours may further a colleague's career or refusal may hinder it, for example, promotions, salary increases or special work projects
- leering, whistling, staring, or making sexually suggestive comments or gestures, innuendoes, or lewd comments
- sexual assault

D. DISCIPLINARY ACTION

1. Disciplinary action will be taken against a person who subjects a worker to harassment or workplace-related harassment.
2. Disciplinary action could include one or more of the following:
 - a. Coaching or referral to training or education
 - b. Warning
 - c. Suspension
 - d. Change of terms of employment (for example change of location, demotion, change of duties)
 - e. Termination, up to Termination for Cause

E. COMPLAINT PROCESS-REPORTING HARASSMENT OR WORKPLACE-RELATED HARASSMENT

STEP ONE Direct Resolution If a worker is experiencing negative behaviours in the workplace from another worker and the worker feels safe doing so, the worker should attempt to resolve the issues with direct communication with the offending party.

STEP TWO Make a Complaint If Step One does not resolve the issue or the worker does not feel safe undertaking direct resolution, then the worker can make a Complaint to the employer by contacting a Designated Individual(s) listed at Appendix "B" and providing the details of the complaint set out at Appendix "C". If the Designated Individual(s) are unable to resolve the complaint informally then the Designated Individual(s) will proceed to an investigation.

STEP THREE Investigation If Step Two does not resolve the Complaint, then the Designated Individual(s) will undertake an investigation. The investigation will involve at a minimum:

a) Interview with Complainant to

- a. Ensure Complaint is complete (particulars of allegations are clear, including dates, times, witnesses as applicable)
- b. Request and gather any supporting documentation
- c. Review policies to understand which policies Complainant is alleging have been breached if not obvious

b) Providing Complaint to Respondent

- a. Presenting Complaint (either written complaint or general allegations of complaint) to Respondent
- b. Providing opportunity to provide response including documentation or witnesses –as applicable

c) If required:

- a. Interviewing collateral witnesses
- b. Request (if applicable) and review supporting documentation
- c. Follow-up interviews with Complainant and/or Respondent if required

STEP FOUR Review Information and Make Decision

STEP FIVE Provide Decision to Complainant and Respondent (separately)

STEP SIX Decide on Remedial or Disciplinary Action if Applicable

***The employer reserves the right to refer an investigation out to a third party with specialized expertise in investigations of a complex or very serious nature.**

****Some complaints may (such as threats of violence or violence) may require the employer to report to the authorities.**

F. PRIVACY

During the Complaint Process

The Complainant's identity and the circumstances of the Complaint will not be disclosed unless the disclosure is necessary for the purpose of investigating the complaint or taking disciplinary action in relation to the complaint.

If an investigation is required, then insofar as is possible the privacy of the workers involved will be protected. This includes:

- counselling witnesses and participants to any investigation that confidentiality is a fundamental requirement of the process and breaching confidentiality could result in discipline
- maintaining confidentiality of documents provided in the course of the investigation
- limiting disclosure to anyone, including the Complainant, of some or all details of possible remedial or disciplinary action.

However, sometimes, in order to understand both sides to the complaint, it is not possible to completely maintain confidentiality over all statements or documents of each party; a Respondent is entitled to understand the complaint against them, and a Complainant is entitled to hear the Respondent's response to their complaint.

As "Required by Law"

In addition, we may be required by law to provide confidential information gathered in investigations if certain legislative procedures are initiated such as:

- a) the filing of a Human Rights Complaint;
- b) the making of a complaint to a safety and health officer with the Workers Compensation Board; or
- c) the bringing of an action in the Courts.

Anonymous Complaints

If a worker would like to bring forward a complaint but remain anonymous then we encourage it, however, in that instance we cannot necessarily guarantee disciplinary outcomes.

G. HUMAN RIGHTS COMPLAINT

A worker has the right to file a complaint with the Manitoba Human Rights Commission should any harassment in the workplace be as a result of discrimination on the basis of a covered ground under the Manitoba **Human Rights Code**.

<https://manitobahumanrights.ca/complaints/filing.html>

APPENDIX "A"

**Acknowledgment of Receipt and Review of Workplace Harassment
and Violence Policy**

I, _____ (Print Employee Name), received
and reviewed the Workplace Harassment and Violence Policy on
_____(Insert Date).

SIGNATURE of EMPLOYEE

APPENDIX "B"

DESIGNATED INDIVIDUAL(S)

The employer is committed to ensuring that complaints are investigated in a timely fashion and by individuals with authority, training, and experience to do so. Complaints can be made to the Designated Individual(s) listed below regarding any breach of this policy:

Name	Title	Contact Information

APPENDIX "C"

COMPLAINT DETAILS TO BE COMPLETED BY COMPLAINANT

Name of Complainant: _____

Position: _____

Date Complaint Form Completed: _____

Sometimes providing details of the complaint will be as simple as providing a screen shot of a text. Other times it will involve more details, documents, or nuanced interactions. Please provide as much context as possible in either context. Feel free to use your own note paper but please address the following points as best as you can.

COMPLAINT #1 (If there is more than one incident, please fill out a Complaint for each incident separately.)

Date of incident:

Time (if known):

Location(s) (physical location, inside or outside the workplace, or Social Media etc.):

Witnesses (if any):

Description of Conduct (provide as much detail as possible):

Documentation: (If you will be providing any documentation such as texts (with dates and time sent) or screen shots of social media posts, receipts from restaurants, photos etc. please list them here with a description. Alternatively, the Designated Individual(s) may assist you with this step at your request.)

1. Type of Document
2. Type of Document
3. Type of Document

NEXT STEP: Once the Designated Individual(s) is certain they have all the information they require to proceed with investigating the complaint they will advise you of timelines generally and continue to advise you of the ongoing status of the process as it unfolds.