



Respectful Workplace Procedures Manual

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INTRODUCTION

This respectful workplace manual serves as a reference for all Southern Health-Santé Sud staff.

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 Southern Health-Santé Sud 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

Southern Health-Santé Sud and its facilities are committed to providing a work environment that respects and promotes human rights, personal dignity and health and safety.

Southern Health-Santé Sud 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

Southern Health-Santé Sud facilities have adopted the Respectful Workplace Policy which serves to confirm our commitment to our staff to provide a respectful workplace. All staff is expected to be familiar with the policy and its contents and to abide by its provisions. A copy of the policy can be accessed through the Health Provider Site (HPS), 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.

Southern Health-Santé Sud facilities: All Facilities or sites within the Southern Health-Santé Sud region.

Investigator: The Vice President 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 Senior Leadership to someone other than the Vice President 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 Southern Health-Santé Sud 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 of 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 Southern Health-Santé Sud will not be condoned or tolerated. Southern Health-Santé Sud is 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.

Workplace Safety & Health (WSH):

WSH 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 (where available) or someone in authority and complete an Occurrence Report if appropriate.
- If necessary, Security (where available) 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 the Southern Health-Santé Sud Occurrence /Staff injury Report Form and to the Workers Compensation Board.

Absent safety concerns, staff is 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 WS&H committee member 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 an 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.

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:

1. Formal complaints must be made in writing and are to be completed by using the form provided (Respectful Workplace Complaint Form [ORG.1510.PL.005.FORM.01](#) 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 Vice President - Human Resources in a sealed envelope marked confidential.
3. The Vice President - Human Resources or designate shall confirm receipt of the complaint to the complainant.
4. The Vice President - Human Resources or designate 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 Vice President - Human Resources or designate 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 Vice President - Human Resources or designate 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 Vice President - 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 Vice President - Human Resources or designate 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 Vice President - 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.

The investigator will contact the complainant and respondent to answer any procedural questions and to identify next steps.

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 Vice President - Human Resources or designate 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 Vice President - Human Resources or designate will reinitiate 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 is 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 is 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 Vice President 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 Vice President 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 Vice President Human Resources in consultation with the Chief Executive 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:** the Chair of the Board of Directors will be involved.
- (b) **Vice President - Human Resources:** the Chief Executive Officer will replace the Vice President - 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 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 RHA facility and the Vice President Medical Services 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 Vice President Medical Services to the Regional Medical Advisory Committee (RMAC) as a "complaint" pursuant to Section 6.2.3 of the Medical Staff By-law and RMAC 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:** Senior Management representative 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 Vice President Human Resources or designate 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 Vice President - 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 Vice President - 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

WORKPLACE SAFETY & HEALTH (WSH)

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 Human Resources 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 Southern Health-Santé Sud Human Resources department must be contacted and advised in order that consideration can be given to whether the Human Resources Respectful Workplace Program also has application and should be implemented. If implemented, the Southern Health-Santé Sud Human Resources 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 has 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 Vice President 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 Vice President 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