

 <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>Respectful Workplace (Applicable to All Staff)</b>	Policy Number: 20.10.090	Page 1 of 4
	Approval Signature: <i>Original signed by B. Postl</i>	Section: HUMAN RESOURCES	
	Date: February 2010	Supercedes: June 2008	

1.0 **PURPOSE:**

All WRHA Staff are entitled to a respectful work environment free of Disrespectful Behavior 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 Behavior** – actions or comments that are inappropriate, demeaning or otherwise offensive behavior intended to create an uncomfortable, hostile and/or intimidating work environment. Disrespectful Behavior may be found to have taken place in and outside the workplace. Types of behavior 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 on 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 behavior 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 behavior;
- 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 Behavior 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 Behavior.

2.6 Respondent – the person alleged to have committed the Disrespectful Behavior 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 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:

- 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 Behavior 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 Behavior 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.

3.3.2 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 any 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.

**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 WRHA facility and the WRHA 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 WRHA 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:**

- 4.1 See Procedures Manual
- 4.2 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)

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