



PROCEDURE

Department: Agency	Approved by: Management	Number: A1 Pr13
Title: Respectful Workplace		
Date of Original Version: September 2013	Reviewed Date:	Revised Date:

Resources used in developing this policy:

- Regulation Part 10 – Harassment
- Collective Agreement between CUPE Local 2348 and KLINIC. Inc.
- WRHA's Respectful Workplace policy 20.10.090
- Safe Work Manitoba – Guide for Preventing Harassment in the Workplace
- Province of Manitoba – Respectful Workplace Policy
- Manitoba Human Rights Code

Purpose:

All people having contact (staff, volunteers, board members, clients, and partners) with Klinic Inc are entitled to a respectful environment free of Disrespectful Behaviour including discrimination, bullying, harassment, sexual harassment, personal harassment and workplace violence. No one may be treated disrespectfully and no one has the right to treat anyone else disrespectfully, at work or in any situation related to employment with Klinic Inc.

This policy is a step towards ensuring that our workplace is a respectful and safe place for all of us, free from disrespectful behaviour.

Definitions:

Staff – all persons employed or contracted by Klinic Inc. as well as volunteers, board members and students.

Disrespectful Behaviour – actions or comments that are inappropriate, demeaning or otherwise offensive behaviour resulting in an unsafe, hostile and/or intimidating environment. Disrespectful behaviour may be found to have taken place in and outside the workplace but must be related to one's employment with Klinic Inc.

NOT Disrespectful Behaviour – consensual banter/discussions or consensual romantic relationships, disagreement between individuals, exercising reasonable actions by management to help manage, guide or direct workers including performance and attendance management, providing direction or instruction, operational change, coaching, counselling related to workplace issues, and/or discipline by management.

Discrimination – as defined by 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 or seniority.

Protected Characteristics are:

- a. ancestry, including colour and perceived race;
- b. nationality or national origin;
- c. ethnic background or origin;
- d. religion or creed, or religious belief, religious association or religious activity;
- e. age;
- f. sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;

- g. gender identity;
- h. sexual orientation;
- i. marital or family status;
- j. source of income;
- k. political belief, political association or political activity;
- l. physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device;
- m. social disadvantage;
- n. place of residence
- o. membership or non-membership or activity in the Union
- p. irrelevant criminal record

Harassment – any improper behaviour by a person that is directed at and/or is offensive to any other individual and which that person knew or ought reasonably to have known would be inappropriate or unwelcome. It comprises objectionable conduct, comment or display, made on either a one-time or continuous basis that demeans, belittles or causes personal humiliation or embarrassment to an employee or has the effect of substantially or unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Sexual Harassment – as defined in the Manitoba Human Rights Code, either:

- A series of objectionable and unwelcome sexual solicitations or advances:

- A single sexual solicitation or advance if it is made by a person who is in a position to confer a benefit, or deny any benefit(s) to the recipient of the solicitation or advance, if the person making the advance knows or ought to reasonably know that it is unwelcome, and/or
- A reprisal or threat of reprisal for rejecting a sexual solicitation or advance.

Personal Harassment – a course of behaviour that is not respectful towards 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 job performance or threatens a career path;
- Bullying
- Cyber bullying
- Disrespectful internet postings
- And which, in addition to the Protected Characteristics, includes an individual's weight and/or size.
- Complainant – the person reporting an incident of potential disrespectful behaviour

Respondent – the person alleged to have committed the disrespectful behaviour. If the respondent is not a staff person as defined by this policy, it is recognized that the

Respondent's participation in any process pursuant to this policy is voluntary and cannot be mandated.

Procedure:

Staff Rights and Responsibilities

- Staff have the right to work in a work environment free from disrespectful behaviour.
- Treat others respectfully.
- Staff are responsible for informing other staff if they are uncomfortable with another's behaviour.
- Staff have both the right and responsibility, when they believe they have been subjected to disrespectful behaviour to immediately report such concerns to the Management or Union.
- Staff are responsible to co-operate in the investigation of a disrespectful behaviour complaint. Anyone who investigates or gives evidence in a complaint investigation shall keep details confidential.
- Staff who file a complaint shall not be subject to reprisal, threat of reprisal, or discipline as a result of filing a valid complaint.
- Staff shall have access to be present with union representation throughout the complaint process.
- This policy does not prevent the staff from filing a grievance with the union or a Manitoba Human Rights Commission complaint or any other legal rights.

Employer Rights and Responsibilities

- As far as it is reasonably practical, provide a workplace free of disrespectful behaviour and hold staff in violation of disrespectful behaviour accountable.
- Have in place and communicate fair and timely procedures which address the allegations or concerns in regard to disrespectful behaviour.
- The employer will take corrective action with anyone under their direction who is found disrespectful of another person.
- The employer will conduct the disrespectful behaviour investigation following PHIA and FIPPA, which prevents the employer from disclosing the name of the complainant or respondent to anyone except where disclosure is necessary to investigate the complaint or required by law.
- The employer is responsible for keeping a safe work environment, free of disrespectful behaviour. As a manager it is the manager's responsibility, once aware of the disrespectful behaviour, to do everything in the manager's power to stop it, whether or not a complaint is made.
- The employer is responsible for documenting all disrespectful behaviour.
- The employer shall post this procedure on the K Drive.

How to Make a Complaint

- The complainant shall inform Management or a Shop Steward of the disrespectful behaviour immediately. The complaint shall be documented by the individual receiving the complaint and the complainant shall be asked to review the report and sign it to indicate they have seen the report. At a minimum the report shall contain, the date(s) of the disrespectful behaviour,

the respondent's name, details about the disrespectful behaviour and how the complainant feels the work environment resulted in an unsafe, hostile and/or intimidating environment.

- When the respondent is the Executive Director, a written complaint will be made to the Chair of the Board
- When the respondent is a Shop Steward, the complaint can be made to another Shop Steward or the CUPE Manitoba representative working with the local.

Once a Complaint Has Been Made

- If Management has received the complaint they are to inform the shop steward within 72 hours of receiving the complaint of the complaint.
- If the Shop Steward has received the complaint they are to inform Management within 72 hours of receiving the complaint of the complaint.
- Management will investigate the complaint.
- A complaint investigation may include, but not be limited to, speaking/meeting with the parties involved, arranging for mediation, and/or hiring an independent third party to investigate the complaint.
- All information, documented or otherwise, pertaining to complaints of disrespectful behaviour and their investigation shall be dealt with in confidence and as expeditiously as possible.
- In cases where a complaint is under investigation, the complainant and respondent have the right to request through Management, to discontinue contact with the other individual without penalty, pending the outcome of such investigation. Such a request shall not be unreasonable withheld.

- The complainant will be advised if the complaint is found to be disrespectful behaviour or not.

Confidentiality

Klinik Inc. will not identify a complainant, an alleged respondent or any circumstances about a complaint, to anyone except:

- To the Union, if either the complainant or respondent is member of the union
- When it is necessary in investigating the complaint
- If it is part of the disciplinary action
- Where required by law

Retaliation

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

Education

Klinik Inc. commits to providing education sessions with mandatory attendance for all of its paid employees to learn about respectful behaviour in the workplace.