
1.1 **PURPOSE:**

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

2.1 **DEFINITIONS:**

- 2.2 Staff - all persons employed or contracted by the Klinik as well as members of the medical staff, volunteers, board members and students.

- 2.3 Workforce Related Disrespectful Behavior – Actions or comments that are inappropriate, demeaning or otherwise offensive behavior that results in an uncomfortable, hostile and/or intimidating work environment. Disrespectful behavior may be found to have taken place in and outside the workplace.

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 their intent, but rather on the impact felt by the complainant.

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

2.3.1.1 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

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

2.3.1.3 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

2.3.1.4 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.

2.3.2 Harassment - as defined and interpreted in the Workplace Safety and Health Act means:

2.3.2.1 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;

2.3.2.2 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.

2.3.2.3 This conduct includes but is not limited to

- 2.3.2.3.1 a written or verbal comment,
- 2.3.2.3.2 a physical act or gesture or a display, leering (suggestive staring) or other offensive gestures;
- 2.3.2.3.3 Patronizing or condescending behavior;
- 2.3.2.3.4 Humiliating staff in front of co-workers;
- 2.3.2.3.5 Abuse of authority that undermines job performance or threatens a career path; or,
- 2.3.2.3.6 Bullying;
- 2.3.2.3.7 Cyber bullying;
- 2.3.2.3.8 Misgendering
- 2.3.2.3.9 Disrespectful internet postings; or
- 2.3.2.3.10 Any combination of the above.

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

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

- 2.3.3.2 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
- 2.3.3.3 A reprisal or threat of reprisal for rejecting a sexual solicitation or advance.

2.3.4 Personal Harassment: while not constituting Discrimination, Harassment or Sexual Harassment under the Manitoba Human Rights Codes, a course of behavior that is not respectful towards others with the intention to harm or be hurtful and which, without limitations includes:

- 2.3.4.1 Written or verbal abuse or threats
- 2.3.4.2 Leering (suggestive staring) or other offensive gestures
- 2.3.4.3 Patronizing or condescending behavior
- 2.3.4.4 Humiliating staff in front of co-workers
- 2.3.4.5 Abuse of authority that undermines job performance or threatens a career path
- 2.3.4.6 Bullying and/or Cyber Bullying
- 2.3.4.7 Disrespectful internet postings

2.3.5 Workforce Related Disrespectful Behavior - **does not include:**

- 2.3.5.1 Consensual banter or consensual romantic relationships;
- 2.3.5.2 Exercising appropriate management authority and responsibility including performance and attendance management;
- 2.3.5.3 Providing direction or instruction,;
- 2.3.5.4 Operational change, coaching, counseling, and/or discipline by a supervisor or manager;
- 2.3.5.5 Workplace violence as defined in the WRHA Policy Violence Prevention Program for Healthcare Workers Policy #20.20.040

2.3.6 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.

2.3.7 Complainant - The person reporting an incident of potential Disrespectful Behavior.

2.3.8 Respondent - the person alleged to have committed the Disrespectful Behavior.

2.3.9 Advisor/Investigator A designate from the management team should be the Advisor/Investigator. There may be circumstances where in the opinion of Klinik an external investigator would be more appropriate to carry out an investigation

3.1 **POLICY:**

3.2 Employer Responsibility:

3.2.1 As far as is reasonably practical, provide a workplace free of Disrespectful Behavior and hold staff in violation of this Policy accountable.

3.2.2 Develop, implement and communicate fair and timely procedures which address allegations or concerns in regard to Disrespectful Behavior and which incorporate:

3.2.2.1 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.

3.2.2.2 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.

3.3 All Allegations of harassment, violence or abuse will be dealt with seriously, quickly, fairly and confidentially.

3.4 This Policy and associated procedures and guides shall be posted on Workplace Safety & Health bulletin boards.

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

3.6 Staff Responsibility:

- 3.6.1 Treat others respectfully.
- 3.6.2 Report Disrespectful Behavior using the procedures established pursuant to this Policy and shall respect the confidentiality of all parties involved.
- 3.6.3 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.
- 3.6.4 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.
- 3.6.5 Be responsible for their behavior
- 3.6.6 Demonstrate respect in the workplace at all times
- 3.6.7 Behave in a manner that will not reasonably offend, intimidate, embarrass or humiliate others, whether deliberate or unintentional
- 3.6.8 Refrain from participating in all types of inappropriate behavior that could reasonably be perceived to be disrespectful behaviour, sexual harassment, harassment and or bullying
- 3.6.9 Take all mandatory respectful workplace and harassment prevention training
- 3.6.10 Cooperate in the resolution process as required

3.7 Manager/Supervisor Responsibility:

- 3.7.1 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. Supervisors are obligated to address an issue they have been made aware of, if necessary to maintain a harassment-free workplace for all employees. If a supervisor observes or is advised of more serious forms of inappropriate behaviour (e.g. sexual harassment, harassment/bullying and or workplace violence) they must not wait until a formal complaint is made to address it, rather they have a responsibility to address it immediately. This pertains to concerns involving another supervisor, another supervisor's staff, a

contractor or client.

- 3.7.2 Follow the roles and responsibilities as outlined for all employees and supervisors
- 3.7.3 Provide leadership related to respective workplaces, including modelling and inspiring exemplary behaviour (e.g. lead by example and set the appropriate tone)
- 3.7.4 Ensure awareness and compliance with this policy and any other legislation or applicable policies
- 3.7.5 Ensure there is no reprisal against anyone who has come forward and made a complaint in good faith
- 3.7.6 Ensure workplace restoration measures are put in place following the resolution of a situation involving inappropriate behaviour
- 3.7.7 Managers, supervisors and team leaders shall advise Human Resources of all complaints made pursuant to this Policy

3.8 Human Resources

- 3.8.1 Follow the roles and responsibilities as outlined for all employees
- 3.8.2 Advise supervisors and employees on the interpretation and application of this policy
- 3.8.3 Support the resolution process as required
- 3.8.4 Engage specialized resources (e.g. Labour Relations, Respectful Workplace Advisor) to provide added support where needed

3.9 Effect of Complaint On Other Proceedings

This policy is not intended to:

- Discourage or prevent an employee from exercising any legal right, including filing a complaint with the Manitoba Human Rights Commission
- Discourage or prevent reporting of unsafe working conditions through Workplace Safety and Health, or contact the appropriate authorities
- Preclude an employee from also filing a grievance in accordance with the applicable collective agreement

- Limit the employer's right to manage: performance reviews, work assignments and evaluation, and/or disciplinary measures taken by the employer for any valid reason. The forgoing does not constitute disrespectful behaviour, sexual harassment, harassment and/or bullying.

Medical Staff: Any alleged breaches of the Respectful Workplace Policy against physicians shall be investigated and processed in accordance with the WRHA manual.

4.1 **PROCEDURE:**

- 4.2 Respectful Workplace Process [RWProcessDocumentJuly2020.pdf \(wrha.mb.ca\)](#)
- 4.3 Respectful Workplace Procedures Manual [Microsoft Word - RW Procedures Manual Jan 2011 1 2 .doc \(wrha.mb.ca\)](#)

5.1 **REFERENCES:**

- 5.2 Disclosure of Staff Concerns Retrieved from https://policies.wrha.mb.ca/wp-admin/admin-ajax.php?juwpfisadmin=false&action=wpfd&task=file.download&wpfd_category_id=142&wpfd_file_id=2985&token=&preview=1
- 5.3 Violence Prevention for Healthcare Workers Retrieved from [C:\Users\lehudson\Downloads\20-20-040.pdf](#)
- 5.4 The Manitoba Human Rights Code
- 5.5 The Labour Relations Act (Manitoba)
- 5.6 The Workplace Safety and Health Act and Regulation (Manitoba)
- 5.7 Winnipeg Regional Health Authority (2019) Retrieved from <https://home.wrha.mb.ca/old/corp/policy/files/20.10.040.pdf>