



ADMINISTRATIVE STANDARD HR-002

RESPECTFUL WORKPLACE

AUTHORITY FOR STANDARD: Director, Human Resources
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Standard

ALL EMPLOYEES WILL MAINTAIN A RESPECTFUL WORKPLACE FREE OF BEHAVIOURS SUCH AS UNLAWFUL DISCRIMINATION, HARASSMENT, RUMOURS THAT DAMAGE A PERSON'S REPUTATION DISRUPTIVE WORKPLACE CONFLICT, AND DISRESPECTFUL BEHAVIOUR.

The **Manitoba Human Rights Code** prohibits harassment and discrimination related to the following characteristics: ancestry or race; ethnic or national origin; religion; age; sex, including pregnancy; gender-determined characteristics; sexual orientation; marital or family status; source of income; political belief; and physical or mental disability.

CONTEXT FOR THIS STANDARD

The City is committed to providing a working environment where the individual differences of all employees, suppliers, citizens, and agents are valued and respected. All employees, suppliers, citizens, and agents of the City are entitled to be treated fairly and with dignity, free from harassment or discrimination.

A respectful workplace is one that values diversity and inclusion, dignity of the person, courteous conduct, mutual respect, fairness and equality, positive communication between people and collaborative working relationships.

The City considers harassment and/or discrimination by any employee, supplier, citizen and agent on the basis of membership in a designated group, sexual harassment and/or personal harassment to be a serious breach to a respectful workplace that requires immediate resolution.

A respectful workplace requires the cooperation and support from every employee in the organization. Everyone has a responsibility to set a positive example and behave in a manner which will not reasonably offend, intimidate, embarrass or humiliate others, whether deliberate or unintentional.

PURPOSE AND OBJECTIVE

Employees of the City of Winnipeg are entitled to work in an environment free of discrimination and harassment. The organization must ensure, so far as is reasonably practicable, that no employee of the City of Winnipeg is subjected to discrimination or harassment in the workplace.

To support a respectful workplace and minimize risk to individual employees by ensuring a consistent, quick and thorough process for dealing with behaviours such as discrimination, harassment, rumours that damage a person's reputation, disruptive workplace conflict, and disrespectful behaviour.

To establish the procedures and guidelines for investigating allegations involving real or perceived discrimination or harassing behaviour that undermines or has the potential to undermine the dignity, self-esteem and productivity of any employee, supplier, citizen, and/or agent.

- Ensure compliance with the Manitoba Human Rights Code; and the Manitoba Workplace Safety and Health Act and Regulations.
- Establish procedures for resolving respectful workplace issues/complaints, including how to investigate complaints.
- Prevent the reoccurrence of such incidents through application of appropriate corrective action.
- Promote consistent reporting and investigation of respectful workplace incidents.

APPLICATION

This document applies to all employees, suppliers, citizens, and agents of the City.

DEFINITIONS

1. Education and Prevention

Harassment or discrimination may involve individuals or groups. Anyone can be the subject of harassment or discrimination.

A single incident or a series of incidents may constitute harassment or discrimination and can occur in social or employment related activities.

The City will endeavour to ensure that all employees, suppliers, citizens, and agents are made aware of what constitutes harassment and discrimination, why it is harmful to those who are hurt or offended by it and what individuals including bystanders can do to take corrective action.

For the purpose of this document, designated groups include race, colour, ancestry, place of origin, marital or family status, physical or mental disability, gender, sexual orientation, political belief, unrelated criminal convictions or any other reason as may be set out in the Manitoba Human Rights Code.

2. Conduct Not Deemed To Be Harassment

Properly discharged supervisory responsibilities including disciplinary action or conduct that does not interfere with a climate of understanding and respect for the dignity and worth of the City's employees, suppliers, citizens, and agents does not constitute harassment.

Interpersonal conflict where discrimination or harassment are not present.

Discrimination based on the establishment and application of good faith and reasonable occupational requirements.

3. General Harassment and Discrimination

Discrimination is defined as intentional or unintentional differential treatment imposing burdens, obligations or disadvantages for which there is no good faith or reasonable justification of an individual or group of individuals based on:

- An 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
- Any of the following characteristics: ancestry or race; ethnic or national origin; religion; age; sex, including pregnancy; gender-determined characteristics; sexual orientation; marital or family status; source of income; political belief; and physical or mental disability.

Harassment is defined as behaviour, whether physical, visual or verbal, directed against a person. Such behaviour adversely affects individuals or groups because of their gender, age, disability (physical or mental), race, colour, ancestry, place of origin, political belief, marital status, family status, sexual orientation or unrelated criminal convictions or any other reason as may be set out in the Manitoba Human Rights Code; and

- Submission to such conduct becomes explicitly or implicitly a term or condition of employment or career advancement opportunity, or
- Submission or rejection of such conduct is used as a basis for wage or salary increases or receipt of other benefits and considerations, or
- Such conduct has the purpose or effect of interfering with work or job performance, or;
- Such conduct creates an intimidating, hostile or offensive working environment

Examples:

- Insults, innuendoes, derogatory comments, taunting or slurs.
- Use of social media, including telephone and computer technology, to impose harassing material on others.
- Verbal abuse or threats involving or directed at members of designated groups.
- Jokes involving or directed at members of designated groups that cause awkwardness or embarrassment.
- Offensive behaviour that undermines the self-respect of others.

4. Sexual Harassment

Sexual harassment is defined as unwelcome sexually oriented conduct, which may be either verbal, physical or by innuendo:

- A series of objectionable and unwelcome sexual solicitations or advances;
- A sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows or ought reasonably to know that is unwelcome;
- A reprisal or threat of reprisal for rejecting a sexual advance or solicitation;
- Such conduct has the purpose or effect of interfering with work or job performance,

- or;
- Such conduct creates an intimidating, hostile or offensive working environment.

Examples:

- The conduct or comment is accompanied by a reward, or the express or implied promise of a reward, for compliance.
- The conduct or comment is accompanied by reprisal, or an express or implied threat of reprisal, for refusal to comply.
- The conduct or comment is accompanied by the actual denial of opportunity, or the express or implied threat of the denial of opportunity, for failure to comply.
- The conduct or comment is intended to, or has the effect of, creating an intimidating or hostile environment.
- Jokes involving sexuality or gender which cause awkwardness or embarrassment.
- Use of social media, including telephone and computer technology, to impose sexist material on others.
- Leering, following, intimidating or stalking.
- Touching, tickling, stroking, pushing, pinching or any unwelcome physical contact.
- Impeding or blocking movement.
- Verbal abuse or threats involving sexuality or gender.
- Unwelcome invitations or requests for social or sexual interaction, whether indirect or explicitly.
- Physical or sexual assault.
- Consensual sexual behaviour that interferes with the work environment of others.

5 Personal Harassment

Personal harassment is defined as unwelcome and objectionable remarks, behaviours, conduct or communications directed toward an individual or a group of individuals, which have the effect or purpose of seriously abusing, threatening, demeaning, or intimidating the individual or group of individuals that adversely affects an individual's psychological or physical well-being;

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or career advancement, or
- Submission to or rejection of such conduct is used as a basis for wage or salary increases or receipt of other benefits and considerations; or
- Such conduct has the purpose or effect of interfering with work or job performance; or
- Such conduct creates an intimidating, hostile or offensive working environment.

Examples:

- Insults, innuendoes, unwelcomed nicknames, derogatory comments, taunting or slurs.
- Use of social media, including telephone and computer technology, to impose harassing material on an individual, any group of individuals, or members of designated groups that cause awkwardness or embarrassment.
- Verbal abuse or threats involving or directed at an individual, any group of individuals, or members of designated groups that cause awkwardness or embarrassment.
- Jokes involving or directed at an individual, any group of individuals, or members of designated groups that cause awkwardness or embarrassment.
- Offensive behaviour that undermines the self-respect of others.

6. Disrespectful Behaviour

Disrespectful Behaviour is behaviour that can involve individuals or groups and is improper, unwelcome and/or inappropriate in the workplace. It may happen once or continue over time in social or employment related activities. It can include:

- Rude comments and swearing as well as spreading rumours that damage peoples' reputations.
- Actions that invade privacy or personal property, or unwelcomed gestures.
- Displays or distribution of printed or electronic material that offends.

COMPLAINT AND INVESTIGATION PROCEDURES

Step 1 - Resolving the Problem on Your Own

Step 2 - Problem-Solving

Step 3 – Formal Complaint

Step 4 – Resolution

Corporate Instituted Investigation

Corporate Instituted Investigation means an Investigation initiated at the discretion of the Director of Human Resources or Manager of Labour Relations (Designated Officers), where:

- A non-compliant Formal complaint was received, but disclosed a credible issue of sufficient importance to warrant an Investigation;
- Matters come to the attention of the Designated Officers that lead them to believe there has been a Breach of sufficient importance to warrant an Investigation; or
- It would be more practical to conduct a single broad Investigation, than addressing a series of Formal Complaints from two or more individuals.

The Designated Officer shall be deemed to be the Complainant for the purpose of the Corporate Instituted Investigation. The Corporate Instituted Investigation shall proceed in the same manner as an Investigation under this Administrative Standard, with methods of investigation adapted as necessary to meet the circumstances. Based on the results of the Corporate Instituted Investigation, appropriate disciplinary action may be taken.

When the principles of the "Respectful Workplace Administrative Standard" have been violated, the following steps will apply:

Step 1 - Resolving the Problem on Your Own

Employees who believe they have been subjected to harassment or discrimination should:

- Inform the harasser or discriminator that the behaviour is unwelcome and request that the conduct stop immediately.
- If the employee is not comfortable addressing the problem on their own or the issue involves an employee's supervisor, they may contact the Departmental Human Resource Representative, Labour Relations, their Union Representative or the individual who oversees that supervisor's day-to-day duties to assist in the problem solving.
- If unable to resolve on your own, submit a detailed complaint with your immediate Supervisor, Manager or Director. The complaint will be forwarded to Corporate

Labour Relations inbox at labourrelations@winnipeg.ca for assignment to an investigator.

- In the event your immediate supervisor is the subject of your complaint, contact the Labour Relations Department or another trusted member of the Leadership Team other than your supervisor.
- If the alleged harassment or discrimination continues, ask for immediate relief in accordance with section titled, "Immediate Relief".

Immediate Relief

- An employee alleging harassment or discrimination in the workplace has the right to relief from the alleged offending party after a risk assessment recommending immediate relief has been completed by Labour Relations or the Investigator and relief shall be defined as the supervisor/manager exercising his/her authority to:
 - Move the alleged offending party to another workplace area, or if the allegation has merit suspend the alleged offending party pending the outcome of the investigation.
 - Move the employee making the complaint to another workplace area where they can perform their work without further immediate concern.
 - The right to immediate relief will extend only to the duration of the investigation and conclusion of a final resolution to the complaint.

Step 2 - Problem-Solving

Supervisors/Management will:

- Approach immediate supervisor to attempt early resolution.
- Document the details of the complaint and include names of potential witnesses.
- Consult with the Departmental Human Resource Representative who can assist if necessary to resolve the issues quickly and thoroughly.
- Meet separately with the individual who objected to the unwelcome behavior and the individual who is alleged to have violated City Standard with respect to his/her behavior.
- Prepare a corrective action plan if required with time frames and implementation of activities and discuss the plan with the employees involved.
- Share the corrective action plan with all parties. In some cases, it may be necessary to involve other co-workers.
- Follow-up to ensure the matter is resolved. This should include meeting with the individuals separately.

Should Attempts at Informal Resolution Be Unsuccessful

- When the supervisor or other more senior department leader receives a written or verbal complaint from an employee, an investigation will be initiated as soon as possible after being advised by the employee.
- Any person receiving a complaint shall submit said complaint to the Manager of Labour Relations at labourrelations@winnipeg.ca who will then make the necessary arrangements for the matter to be investigated.
- Complaints will be investigated by competent internal or external investigators and the selection of an appropriate investigator shall be made by the Manager of Labour Relations.

Step 3 - Formal Complaint and Investigation Process

Investigator will:

- Maintain a written record of dates, times, and a description of the conduct deemed to be inappropriate as well as all investigation evidence and notes.
- Provide a copy of the complaint to the Respondent.
- Obtain a written response from the Respondent.
- Provide a copy of the Respondent response to the Complainant.
- Ensure that the name of the complainant or an alleged harasser or the circumstance related to the complaint will not be disclosed to any person except where disclosure is:
 1. Necessary to investigate the complaint or take corrective action with respect to the complaint; or
 2. Required by law.
- The investigation will include one or more interviews of the complainant, the alleged harasser or discriminator and any witnesses identified by the complainant(s) and respondent(s) as may be required to determine the facts of the matter.
- The investigator(s) will ensure that the interviews are conducted in a private area away from the work area(s) of those involved. In explaining the purpose of the meeting, the investigator(s) will caution the employees that the investigation is a fact-finding exercise. All parties should be made aware that the investigation should not be discussed outside of the investigation process. A determination of the facts will be made after all aspects of the complaint are fully investigated.
- After the investigator(s) made a determination of the facts, appropriate action will be recommended by Corporate Labour Relations to the most senior level of management with direct authority to act on findings and recommendations of the investigator(s).
- If there is evidence of harassment or discrimination, corrective action will be taken as appropriate. Appropriate corrective action may include any or all of the following but not limited to:
 - A formal apology by the offender to the offended party.
 - Training and education intended to provide the offending party with clear expectations for appropriate workplace conduct.
 - Employment reassignments.
 - Discipline up to and including the termination of the offending party's employment.
 - If the complaint is unfounded or without merit, no further action will be taken.
 - Nothing in this document precludes the complainant(s) and/or respondent(s) from exercising their right to grieve any disposition of the complaint as a result of this process if they are members of the bargaining unit.

- Likewise, non-bargaining unit members are not precluded from seeking independent legal counsel.
- Advise the Complainant and the Respondent of disciplinary action that will result if either retaliates in any way.
- The Complainant and Respondent have the option of mediation available at any stage of the investigation.
- Advise all involved not to discuss the investigation or complaint with other staff, with the exception of the Departmental Human Resource Representative, a Union representative, labour relations staff or individuals appointed by the Labour Relations Department.
- Counseling is available to those who want it.
- Investigator or designate will meet with the Complainant and Respondent individually to share the findings.

The investigation report will include:

- Citations of the form of violation of the principles of a respectful workplace (harassment, discrimination, emotional abuse, abuse of authority, systemic barriers)
- Allegations
- Compliance with FIPPA Legislation
- Where necessary, credibility assessments
- Supporting and non-supporting evidence
- Responses to allegations; citations of the specific standards, laws and the collective agreement, which has been contravened
- Findings

Record Keeping

A record of all matters involved in the investigation of the complaint will be kept in confidential files in the Labour Relations Department. The information record will include:

- The date of the alleged incident(s).
- The name of the complainant and the alleged respondent(s).
- Details of the incident(s), i.e. Location, time, what was alleged to have been said or done, other persons involved (if any); names of witnesses (if any).
- The complainant's version of the incidents.
- The alleged harasser's or discriminator's version of the incidents.
- The witness' views of the events - Determination of the extent to which information collected is credible and reasonable.
- Legal opinion (if warranted).
- Conclusion reached and action recommended or taken.

Retaliation

The City considers retaliation or the threat of retaliation to be a serious offence and subject to disciplinary measures. The City will investigate any complaint and will also take all reasonable steps to ensure that its employees or agents who make complaints of harassment or

discrimination, without malicious intent or those who are witnesses are not subject to retaliation.

- False complaints are themselves a form of harassment and will not be tolerated.
- Employees suspected of making false complaints will themselves be investigated. Employees found to be making complaints that are found to have no serious value or to have been filed purely to annoy or cause harm to the respondent shall be subjected to discipline up to and including termination of employment.

Step 4 - Resolution of Issue

Upon completion of the Formal Investigation, the Corporate Labour Relations Officer in consultation with the departmental Human Resource Manager and departmental management will review the findings of the report and make recommendations that could include, discipline, coaching or mediation. Mediation and informal meetings are always conducted on a without prejudice basis and all notes taken during the mediation shall remain with the mediator and will be destroyed following the mediation.

The following steps will be followed for formal investigations:

- Investigator or designate will submit a report to the Complainant and Respondent
- Management will prepare a corrective action plan based on the findings.
- Management will meet with the parties to advise them of the investigation findings and the steps that will be taken to ensure a respectful workplace.
- A copy of the report will be disclosed to the Department Head, Departmental Human Resource Manager for record keeping purposes.
- If an employee is not satisfied with the outcome of the complaint, he/she may proceed to file a grievance in accordance with their respective collective agreement or file a complaint with the Manitoba Human Rights Commission.

APPENDICES

[Respectful Workplace Complaint Form](#)

KEY ROLES AND RESPONSIBILITIES

THE MANAGER OF LABOUR RELATIONS WILL:

1. Ensure compliance with this Standard.
2. Ensure ongoing monitoring and review of procedures and regular reporting of respectful workplace issues.
3. Update this document as part of a regular review.

MANAGERS AND SUPERVISORS WILL:

(Management includes senior management, department heads, human resource representatives, managers, supervisors, foremen, or any person with immediate supervisory responsibility)

1. Ensure all employees enjoy an environment free of behaviours such as unlawful discrimination, harassment, rumours that damage a person's reputation, disruptive workplace conflict and disrespectful behaviour in the workplace.

2. Ensure that this Standard is clearly communicated to and adhered to by Management and by all employees within their area of control.
3. Ensure all new employees are provided with the Respectful Workplace Employee Information Sheet.
4. Communicate pertinent information about respectful workplace behaviours to employees in a timely manner.
5. Provide immediate intervention for alleged contraventions of this Standard.
6. Ensure that the name of the complainant or respondent (alleged harasser) or the circumstances related to the complaint will not be disclosed to any person except where disclosure is:
 - To Corporate Labour Relations to investigate the complaint or take corrective action with respect to the complaint.

or

 - Required by law.
7. Post a copy of the Respectful Workplace Information Sheet on a bulletin board or prominent location in each workplace.

DEPARTMENTAL HUMAN RESOURCE REPRESENTATIVES WILL:

1. Provide timely information, advice and support to management in carrying out responsibilities related to this standard.
2. Work with Corporate Labour Relations to facilitate resolution of incidents, and support remedial efforts that may be developed to address issues that may arise.

EMPLOYEES WILL:

1. Contribute to a respectful workplace through appropriate behaviours and comply with this Standard.

CORPORATE LABOUR RELATIONS DIVISION WILL:

1. Take carriage and receive complaints and investigate in accordance with the Standard ensuring to document and resolve incidents in an impartial and objective manner.
2. In the event of evidence supporting a complaint, a recommendation of corrective action or discipline will be made by the Senior Labour Relations Officer appointed to the Department who is not part of the investigation process.
3. Corporate Labour Relations will maintain all investigation files, track incidents and provide departments with information and recommendations to assist them with prevention of disrespectful behaviours.
4. Report statistical findings in the annual Labour Relations report.

REFERENCES AND LINKS TO RELATED

- Respectful Workplace Statement of Commitment
- [The Manitoba Human Rights Code](#)
- [The Manitoba Workplace Safety and Health Regulation 217/2006, Parts 10 and 11](#)
- [Safety, Health and Organizational Wellness, Administrative Standard HR-006](#)
- Collective Agreements between the City of Winnipeg and its unions/associations contain articles that outline the principles of a respectful workplace
- The City of Winnipeg Human Resource Strategic Plan (approved by Council, July 2001)
- The City of Winnipeg Code of Conduct (for all public service employees – 2018)
- Workplace Violence Prevention and Response Standard (2018)
- Code of Conduct for Members of Council (2018)

AMENDMENTS / REVISIONS

The following policies were replaced by this Standard when it was created in 2002:

- “Policy on Sexual Harassment” – October 1984 approved by The Board of Commissioners.
- “Policy Statement on Racial Discrimination” – October 24, 1985 approved by The Chief Commissioner.
- “The City of Winnipeg Harassment Policy for Department Managers, The Board of Commissioners and Members of City Council” – September 11, 1996 approved by Council.
- Updates to the Human Rights Code and to organizational titles/responsibilities – October 5, 2015.
- Revision and review of the Standard – December 2017.

REVIEW PROCESS

The Manager of Labour Relations in consultation with the HR Director is accountable for implementing and reviewing this Standard. The CAO approves amendments to this Standard which is to be reviewed every two years by December 31st every second year.

KEY CONTACTS

Labour Relations – labourrelations@winnipeg.ca



RESPECTFUL WORKPLACE Statement of Commitment

The City recognizes its responsibility to build and maintain a respectful workplace where all employees enjoy an environment free of behaviours such as unlawful discrimination, harassment, rumours that damage a person's reputation disruptive workplace conflict, and disrespectful behaviour in the workplace.

It has been clearly stated by the Canadian and Manitoba Courts that an employer has a responsibility to provide a safe and healthy work environment, free from harassment and discrimination. Harassment based on race, national or ethnic origin, colour, religion, age, sex including pregnancy, gender identity, marital status, family status, physical or mental disability, sexual orientation and/or social status is prohibited.

The City's Human Resource Strategic Plan, approved by Council in July 2001, clearly articulates the requirement for a "positive, respectful, safe and healthy work environment" to support "the physical, psychological and social well-being of employees".

The City recognizes that disruptive workplace conflicts and disrespectful behaviour can jeopardize an individual's dignity and well-being and/or undermine work relationships and productivity. The City commits to providing a workplace built upon the principle of fair and respectful treatment in order to minimize these conflicts.

The principle of fair and respectful treatment is a fundamental one that the City commits to upholding for all employees and the public they serve. All City of Winnipeg employees have a responsibility to set an example through respecting the dignity and human rights of fellow employees, councillors and the public.

Administrative procedures guide the organization in dealing with behaviours such as: discrimination, harassment, rumours that damage a person's reputation, disruptive workplace conflict, and disrespectful behaviour in the workplace.

For more information, please contact/refer to:

- The Respectful Workplace Administrative Standard, No. HR-002
- Your Departmental Human Resource Representative
- Labour Relations Division, Corporate Support Services Department, 204-986-4494