

Rural Municipality of Riding Mountain West

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**PREAMBLE**

The Rural Municipality of Riding Mountain West is committed to providing a safe and respectful work environment in which all individuals are treated with respect and dignity. All employees are entitled to a workplace that is free of harassment, discrimination, and workplace violence. The RM of Riding Mountain West will ensure, so far as reasonably practicable, that none of its employees are subjected to harassment or violence in the workplace.

Harassment and violence will not be tolerated by the municipality. Individuals, regardless of seniority, found to have engaged in conduct constituting harassment or violence will face appropriate disciplinary action up to and including dismissal.

The RM of Riding Mountain West has developed this policy intended to prevent harassment or violence of any type for its employees and to deal quickly and effectively with any incident that might occur.

This policy applies:

- In any location where the business of the RM of Riding Mountain West is being carried out and;
- Other work locations and situations such as during business travel, attendance at conferences, work-related social gatherings, or other locations where the prohibited behaviour may have an impact on the work relationship, environment or performance;
- Communication on/through all social media sites.

**Harassment:**

Harassment is any objectionable or offensive conduct, comment, action, gesture or display directed at a person or group of persons that degrades, demeans, humiliates or embarrasses, and which a reasonable person knows or ought to have known would be unwelcome. Harassment may create an uncomfortable, hostile, or intimidating work environment. It may also include an improper use of power or authority.

Harassment may be written, verbal, physical, a gesture or display, or any combination of these. It may happen only once, but often happens repeatedly.

**Physical Harassment** can come in the form of violence, both physically or to property. Non-accidental act or threatening behaviour causing injury, trauma or other physical suffering or bodily harm. In its extreme, it can even be termed assault.

**Discriminatory Harassment** means an incident of, or series of incidents of, abusive and unwelcome behaviours and/or comments which are directed towards people because of a group to which they belong or appear to belong. Manitoba's *Human Rights Code* offers protection from harassment or discrimination based on the following protected characteristics:

- ancestry, including color 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 pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
- gender identity or gender-determined characteristics or circumstances;
- 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 dog guide or other animal assistant, a wheelchair, or any other remedial appliance or device;
- social disadvantage

**Sexual Harassment** is defined as behaviour characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in the workplace or other professional or social situation. Sexual harassment is the unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.

**Personal or Psychological Harassment (Bullying)** means unwelcome comments and behaviours or actions that offend, intimidate, humiliate, effect of interfering with a person's work performance. Bullying can take place between co-workers and it can take place between persons where there is a power imbalance. It may include:

- repeated humiliation or intimidation that adversely affects a worker's psychological or physical well-being or;
- a single instance so serious that it has a lasting, harmful effect on a worker.

**Cyberbullying** is also seen as harassment and it is done online. The use of electronic communication to bully a person, typically by posting or sending messages of an intimidating or threatening nature.

**3<sup>rd</sup> Party Harassment** comes from someone who is not working as an employee in the municipality. These can include suppliers, vendors, and customers. Harassment can happen in-person, over the phone, via email or through a messaging app. Even seemingly harmless actions, like a customer calling an employee constantly outside work for non-emergencies and without prior agreement can constitute harassment. Innuendos, veiled threats and inappropriate or offensive jokes are all included.



**Harassment is not:**

- Appropriate performance reviews, counseling, coaching or discipline by a supervisor
- Day-to day management or supervisory decisions involving work assignments, workplace assessments or implementation of appropriate dress codes, provided they are carried out in a manner that is reasonable and not abusive
- Conflict or disagreements in the workplace that are not based on one of the prohibited grounds and would reasonably be considered as acceptable within a workplace setting
- Occasional misunderstandings, thoughtlessness or poor communications
- Reasonable words or actions related to isolated stress or frustrations encountered in the performance of work duties
- Consensual banter or conduct, or romantic relationships, where the people involved do not find it offensive or unwelcome and consent to what is occurring

**Violence:**

Workplace violence is defined as the exercise of physical force by a person against an employee in a workplace that causes or could cause physical harm or injury to an employee, or the attempt to exercise physical force against an employee in the workplace that could cause physical harm or injury. It also includes the threat, real or perceived, of any act of physical force or aggression. Examples of workplace violence include but are not limited to:

- Hitting, scratching, pinching, biting
- Throwing or slamming things
- Swearing and the use of profane language
- Yelling and screaming
- Direct, conditional, or veiled threats
- Practical jokes that could cause embarrassment or physical harm or injury
- Vandalism of personal property
- Use of or threat to use a weapon

Workplace violence can take place in the workplace itself, or outside the workplace in a situation that is someone connected to work. This includes threatening phone calls from one employee to another at their home, or any kinds of verbal or written threats or violent actions against an employee's family or property.

**Eliminating an/or Minimizing the Risk of Violence:**

If the risk of violence has been identified, management will work with the employees to put in place the necessary steps to eliminate and/or minimize the risk.

Risks of violence identified in our workplace would include:

- Dealing with individuals who may be irate, expressing anger or threatening aggression.
- Dealing with individuals who may be under the influence of drugs, alcohol, or other substances.
- Dangerous pets.

**Steps that will be taken to eliminate/minimize the risk of violence include:**

- Employee training on how to respond to irate/disgruntled visitors, clients, or customers on the RM of Riding Mountain West premises, or on the telephone.

- Asking the individual to leave.
- Calling/asking for assistance from a co-worker.
- Providing warning that the call will be terminated if behaviour does not change.
- Restricting building access during office hours.
- Ensuring, whenever possible, that there is always more than one employee in the municipal facility during normal operating hours.

If the RM of Riding Mountain West becomes aware of violence that would likely expose an employee to physical injury or harassment in the workplace, the municipality will take every precaution reasonable in the circumstances for the protection of the employee. This could include:

- Preparing an emergency security plan including procedures for contacting police
- Exploring options to prevent the employee from having to deal with harassing electronic communication of any type including telephone calls, emails, faxes and text messages
- Displaying domestic violence prevention information and resource lists.
- Inviting community resources to provide sessions on domestic violence to employees, supervisors, and managers
- Distributing a statement that the organization does not tolerate acts of violence in the workplace including domestic violence

### **Rights and Responsibilities:**

#### **Employees:**

All employees are responsible for ensuring that the work environment is free from discrimination, harassment, and violence. Employees are expected to treat each other with respect and to speak up if they or someone else is being harassed, discriminated against, or being treated with disrespect. All employees also have a responsibility to report incidents of harassment, discrimination, or violence to the appropriate person, and to co-operate in any investigations, should they occur. All employees are responsible for respecting the confidentiality of anyone involved in a complaint or an investigation.

Employees have the right to file a complaint directly with *Manitoba Human Rights Commission*. If an employee does file a complaint with another body, they must give a copy of the complaint to their supervisor.

Once a complaint has been filed, an employee has the right to refuse to work if the reported behaviour substantially interferes with the employee's ability to perform their work and the employee reasonably believes the behaviour will continue, or the employee's health or safety is jeopardized by continuing to work. If an employee refuses to work, they must advise their supervisor and must promptly notify a Workplace, Safety, and Health Officer in writing, identifying the reasons for refusing to work. A copy of this notification must be given to their supervisor. Employees refusing to work may be reassigned to another task or supervisor with no loss in pay.

#### **Supervisors/Managers:**

All supervisors/managers are responsible for creating and maintaining a work environment that is free from discrimination, harassment, and violence. This includes ensuring that this policy is accessible and communicated to their employees. They are also responsible for setting an example for appropriate



workplace behaviour and ensuring that inappropriate behaviour is not allowed, condoned, or ignored. This includes taking preventive action to avert the development, escalation, or recurrence of inappropriate behaviour within their areas of responsibility. Supervisors/managers are also responsible for assisting employees who turn to them for help with concerns or complaints that fall within this policy. They may be considered party to the complaint if they fail to take corrective actions and could be disciplined.

In addition to the responsibilities outlined above, supervisors are responsible for encouraging, supporting, and providing training, plus the resources necessary for employees to fulfill their roles with respect to this policy. Supervisors/managers have the right to work within this policy and to expect that all employees will abide by the policy. They also have the right to be protected from frivolous or malicious claims and to manage the affairs of their area of responsibility to meet the RM of Riding Mountain West objectives.

**Employer:**

As an employer, the RM of Riding Mountain West has a responsibility to be aware of what is happening in the workplace and for dealing with discriminatory, harassing, disrespectful, and violent incidents appropriately. The RM of Riding Mountain West will discipline anyone who has been found to have harassed, discriminated against or behaved violently towards a person or group of people or who retaliates in any way against anyone who has lodged a complaint or who has given evidence during an investigation. The RM of Riding Mountain West will also discipline supervisors/managers who do not act properly to end harassment, discrimination, and disrespectful behaviour.

The RM of Riding Mountain West has the right to work within this policy and to expect that all employees will abide by the policy. The RM of Riding Mountain West also has the right to manage their affairs and to meet the municipalities objectives.

**Complaint Procedure**

Do not assume the RM of Riding Mountain West is aware that a problem exists. Any employee has the right to complain if they feel they have been treated in an inappropriate manner, and are encouraged to take direct, assertive action should they experience discrimination, harassment, disrespectful or violent behaviour. The RM of Riding Mountain West will not tolerate any retaliation against anyone who files a complaint. All complaints will be handled in a confidential manner and the name of any complainant or respondent or the circumstances surrounding the complaint will not be disclosed and will be treated confidentially, except as necessary to investigate the complaint or as required by law. Any employee who files a complaint may be accompanied by a person of their choice during any discussions, interviews or investigations arising from the complaint.

**Informal:**

Tell the alleged offender that the behaviour is offensive and unwelcome, and they should immediately stop such behaviour. This can be done either in person or in writing. Telling the person to “stop” may be difficult to do, but frequently it is the most effective means of eliminating the problem. Make a note of the discussion with the individual, including the date, and keep it for future reference.

Where the above cannot be done, is inappropriate, or is unsuccessful, seek immediate assistance from the supervisor. They may suggest a mediated process or a meeting to discuss and get clarification around the

events that have occurred. If the supervisor is the alleged harasser, seek assistance from another supervisor or manager.

The complainant shall not be compelled to proceed with a complaint and shall have the right to withdraw a complaint at any point up to the initiation of the formal process. The RM of Riding Mountain West may, however, determine to proceed with the complaint as an organizational response.

The complainant and the alleged offender may each be accompanied by a person of their choice during meetings regarding a complaint.

**Formal:**

Where an informal resolution cannot be done, is inappropriate or is unsuccessful, employees should submit a formal complaint in writing. Management will take action on any complaint quickly and as confidentially as possible and will let both parties to any complaint know the outcome of any investigation.

The following process will be followed:

1. The employee making the claim should submit the complaint in writing using the **Respectful Workplace & Harassment Complaint Form Appendix "A"**. Record the dates, times, locations, witnesses, and nature of the incidents, particularly any incidents that may have occurred subsequent to the alleged offender being told the behaviour is offensive. Include information on what happened, what was said, who said what, and what was done at the time.
2. The supervisor/manager will notify the alleged offender of the complaint and will provide them with a copy of the written complaint.
3. The alleged offender will be given an opportunity to consult with legal counsel or a personal representative and to respond in writing to the allegations outlined in the formal complaint.
4. The Complainant will be given a copy of the Respondent's response.
5. Management may attempt to resolve the matter through discussion or may initiate a formal investigation.
6. If necessary, a formal and confidential investigation will be conducted by either a representative of the RM of Riding Mountain West or by an outside, impartial investigator. Findings will be reported to the CAO.
7. Management will inform the person lodging the complaint and the alleged offender of the results of the investigation.

**Outcomes and Remedies:**

If, based on the balance of probabilities, the evidence supports the complaint; management will do whatever is necessary to stop the discrimination, harassment, or disrespectful behaviours. Any files regarding the complaint will be kept in a separate and confidential location in the CAO's office.

Discipline may range from awareness training to disciplinary action imposed in accordance with the corrective action process.

Remedies for the employee filing the complaint may include, but is not limited to:

- A verbal or written apology from the offender and municipality
- Payment of any wages or benefits lost



- Granting of a position or promotion that was denied

If the investigation does not find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of any of the parties involved and no repercussions will occur for the person filing the complaint, if the complaint was filed in good faith.

All incidents and complaints will be taken seriously, but employees should remember that frivolous or unfair complaints are disruptive and unacceptable. Any employee, who is found to have filed a complaint that is considered frivolous, or that was filed with malicious intent, will be subject to disciplinary action.

An employee has the right to file a complaint with their provincial Human Rights Commission or their provincial Occupational Health and Safety Department. This policy is not intended to discourage or prevent the complainant from exercising any other legal rights.

**Confidentiality:**

Confidentiality must be distinguished from anonymity. The complainant who wishes to seek a remedy must be prepared to be identified to the alleged harasser. Confidentiality of the persons involved in an investigation shall be maintained as appropriate and as allowed by law to protect both the complainant and the alleged harasser against unsubstantiated claims which might result in harmful or malicious gossip. It must be recognized that, to the extent that the parties choose to initiate proceedings or make comments outside the organization's internal complaint procedure, confidentiality cannot be guaranteed.

**Third Party Complaint:**

If a person is not directly involved in an incident of discrimination, harassment or disrespectful behaviour, but is a witness to and reports that incident, management shall obtain all relevant facts from the witness and advise the witness that the information they provide is strictly confidential. Management shall also meet with the employee who was allegedly subjected to discriminatory, harassing or disrespectful behaviour to determine both the accuracy of the information and why no complaint has been submitted.

**Anonymous Complaint:**

Should an anonymous complaint be received, action may be taken depending upon the circumstances. Anonymous complaints will be reviewed for appropriate action including complaint tracking to determine the need for communication and training.

**Records:**

In compliance with governing legislation, sealed records of harassment complaints will be kept in a secure location on site for 7 years.

## Appendix "A"

### Respectful Workplace & Harassment Complaint Form

#### Instructions for completion and handling:

- All employees working for the RM of Riding Mountain West are entitled to utilize this Complaint and Response Form. You may seek assistance before completing this form.
- Place the completed form in a sealed envelope marked "Private and Confidential". Forward the completed form to the Chief Administrative Officer.
- A copy of the Complaint Form should be retained by the complainant.

#### COMPLAINT FORM

Name of Complainant:
Position Title:
Immediate Supervisor:
Phone Numbers (home/cell/work):
Email Address:

Name of individual(s) who is subject of the complaint:
Contact Information (if available):

In your own words, please describe in as much detail as possible the details of your complaint. The following is a description of the incident(s), which include what happened, what was said, dates, times, places, names of persons directly involved as well as the names of any witnesses.

If you would like to provide a more detailed description, please attach the information to this form. Please also attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.



**INCIDENT DETAILS:**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

**Description of alleged objectionable behavior, actions, conduct, etc. (Attach further information if required):**

**Please describe what actions (if any) you have taken to try and resolve this problem.**

**Has the Complaint been Reported Previously?** Yes \_\_\_ No \_\_\_ *If yes, please describe to whom, and what action was taken. (Attach further information if required)*

**List Witness(es) to the Conduct being Investigated, including Name, Department, and contact information:**

**What resolution are you seeking?**

My signature indicates that I have read and understand the RM of Riding Mountain West's Respectful Workplace and Harassment Prevention Policy and Procedures. I understand that:

1. The filing of this complaint does not guarantee that an investigation will occur. The complaint will be reviewed, and an assessment made by the employer as to whether an investigation is warranted and/or whether an informal resolution process should be pursued.
2. This document and any attachments are provided in the course of filing a complaint will be held in confidence. The complaint form and its attachments may be disclosed to the respondent named in the complaint and to the investigator appointed to assist with the resolution of this complaint. Your signature confirms that you have been made aware and give permission for the above use of this information.
3. Filing this complaint in no way limits your ability to consider other options such as a complaint under the *Human Rights Code*.

**Complainant's Printed Name:** \_\_\_\_\_

**Complainant's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## Respectful Workplace & Harassment Respondent Form

### Instructions for completion and handling:

- All employees working for the RM of Riding Mountain West are entitled to utilize this Complaint and Response Form. You may seek assistance before completing this form.
- Place the completed form in a sealed envelope marked "Private and Confidential". Forward the completed form to the CHIEF ADMINISTRATIVE OFFICER.
- A copy of the Respondent Form should be retained by the respondent.

Name of Respondent:
Position Title:
Immediate Supervisor:
Phone Numbers (home/cell/work):
Email Address:

**I have read a copy of the written complaint and am providing the following response.**  
*(If more space is required, please attach a copy to this form)*

**Were you aware of the complaint prior to receipt of the written complaint? Have you attempted to resolve the problem, and if so, please describe.**

**Do you have a proposed resolution? Explain.**

My signature indicates that I have read and understand the RM of Riding Mountain West's Respectful Workplace and Harassment Prevention Policy and Procedures. I understand that:

1. The filing of this complaint does not guarantee that an investigation will occur. The complaint and response will be reviewed, and an assessment made by the employer as to whether an investigation is warranted and/or whether an informal resolution process should be pursued.
2. This document and any attachments provided in the course of filing a response will be held in confidence. The response form and its attachments may be disclosed to the complainant. Your signature confirms that you have been made aware and give permission for the above use of this information.

**Respondent's Printed Name:** \_\_\_\_\_

**Respondent's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_