



## Respectful Workplace Policy and Procedures

### 1. POLICY

#### 1.1 Scope of Policy

Every employee is entitled to work in an environment that is respectful and free of all forms of harassment, including sexual harassment and racial discrimination. No individual should suffer from or be exposed to harassment at work based upon characteristics that include, but are not limited to: age, race, colour, ethnicity, political or religious affiliation, sex, gender identity, sexual orientation, marital status, mental or physical disability, social disadvantage, source of income, criminal record, union membership or activity.

Every employee has the responsibility to refrain from participating in behaviour that is, or could reasonably be perceived to be, disrespectful in nature. Disrespectful behaviour and harassment, including sexual harassment, will not be tolerated.

UCHH recognizes its responsibility to build and maintain a diverse, respectful workplace, free from all forms of harassment in which the dignity and self-respect of every person is valued. This same commitment must come from its employees.

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

#### 1.2 Outside the Scope of this Policy

This policy is not intended for incidents, or suspected incidents, of violence, vulnerable persons abuse or child abuse. Incidents of this nature are criminal and shall be reported to the appropriate authorities as described in law.

### 2. APPLICATION

This policy applies to all employees of the United Church Half Homes Inc. regardless of employment and Union status.

All employees are required to acknowledge in writing that they have read, understood and agree to abide by this policy as it establishes, monitors and protects a respectful work environment.

Employment cannot commence or be continued if there is failure to comply with this requirement.

This policy applies to the workplace itself in addition to activities connected with the workplace such as offsite meetings, travel, conferences and work related social gatherings. It also applies to interactions between employees and residents, and, with the general public.

This policy does not limit the employer's right to manage. Performance reviews, work assignment and evaluation, and disciplinary measures taken by the employer for any valid reason do not constitute disrespectful behaviour or harassment in the workplace.

### **3. DEFINITIONS**

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

**3.2 Harassment** is any objectionable or offensive behaviour that is known, or ought to be reasonably known, to be unwelcome. It includes objectionable actions (e.g. touching, pushing), comments (e.g. jokes, name-calling) displays (e.g. posters, cartoons) or personal harassment (bullying) made on either a one-time or continuous basis that demean, belittle, or cause humiliation or embarrassment. Harassment can also take place electronically (e.g. text messages, social media, email or screen savers).

This definition of harassment is broader than the legislative definitions of harassment contained in *The Human Rights Code (Manitoba)* and *The Workplace Safety and Health Act*.

Inappropriate conduct will be deemed “disrespectful behaviour” or “harassment” depending on the circumstances of the particular incident. Disrespectful behaviour which continues or increases in severity and frequency may become harassment.

#### **3.3 Sexual Harassment** is:

- a. A course of abusive remarks or behaviours based on gender or sex; or
- b. A series of objectionable and unwelcome sexual solicitations or advances; or
- c. One single sexual advance by a person in an authority position who should have known it was not welcome by the recipient; or
- d. A reprisal, retaliation or threat of retaliation for rejecting a sexual solicitation or advance; or
- e. A reprisal for filing a sexual harassment complaint

The unwanted behaviours may be physical or verbal. Examples of behaviours that may constitute sexual harassment include, but are not limited to:

- Unnecessary physical contact such as touching, patting or pinching
- Demands for sexual favours in return for a promise of reward or a threat of reprisal

- Unwelcome sexual remarks, gestures or jokes that put down one's gender

**3.4 Racial Discrimination is:**

- a. differential treatment of an individual because of nationality, race, colour, ancestry, or ethnic origin; or
- b. an action or policy which has an adverse impact on an individual because of their race, colour, nationality, ancestry, or ethnic origin; or
- c. use of stereotyped images or language (including but not limited to pictures, jokes and anecdotes) which suggest that all or most members of a racial or ethnic group are the same, thereby denying their individuality as persons, when such conduct has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

**3.5 Violence is:**

- a. The exercise, or attempt to exercise, physical force by a person that causes, or could cause, injury;
- b. A statement or behaviour that is reasonable for a person to interpret as a threat to exercise physical force that could cause physical injury.

**4. RESOLUTION PROCESS**

**4.1 Incidents Suspected to be Violence or Child Abuse**

**Violence**

When an incident occurs, or is suspected to have occurred, in which there has been violence or evidence of violence, the impacted employee shall contact the police and immediately contact their supervisor and/or the Executive Director.

**Child Abuse/Vulnerable Persons Abuse**

When a complaint of sexual or physical abuse of a child designated by provincial law as a legal minor, or, an adult designated by provincial law as a vulnerable person, is disclosed, or where there are reasonable grounds to suspect such abuse, the employee to whom the disclosure is made or who suspects such abuse shall immediately report the suspicion and the information on which it is based to the authority or agency as defined in provincial law.

**4.2 Incidents Suspected to be Workplace Harassment**

**4.2.1 Speak to the Other Person**

If an impacted employee feels safe enough, they may alone, or accompanied by a support person, approach the person who made them feel uncomfortable to calmly explain how their behaviour

affected them and ask that the behaviour stop. The other person may not realize their behaviour has been offensive and the feedback may give them the opportunity to change their actions.

Should an employee require advice or support on how to approach the other person, their immediate supervisor, Executive Director, or the Union are a resource and the employee is encouraged to seek assistance. Employees who witness behaviour that may be contrary to this policy should safely and appropriately intervene. If it is not possible to do so, the employee must report their observations to their immediate supervisor. The employer cannot address a problem unless they are aware that a problem exists.

#### **4.2.2 Report It**

If an employee is unable to approach the other person, or if the employee has approached the other person but the issue remains unresolved, the employee has the right and responsibility to report their concern.

The concern can be reported verbally or in writing to the employee's immediate supervisor or Executive Director. If the issue involves the employee's immediate supervisor, the employee may report it to the next level of management, up to and including the Board of Directors. Management and/or the Board of Directors and/or the Union shall take action on all alleged occurrences expeditiously.

Issues should be reported as soon as reasonably possible, normally within six months of the incident occurring.

#### **4.2.3 Participate in the Resolution Process**

##### **Informal Investigation**

The person to whom the issue is reported will determine if the allegations constitute a breach of the policy and if so, will endeavour to resolve the matter in an expeditious and confidential manner. Every issue reported and all actions taken to resolve the issue must be documented.

Most issues can be resolved between the parties involved with subsequent monitoring by management to ensure that there is no recurrence or retaliation. Options for resolution may include facilitated discussion, mediation, or education, depending on the circumstances.

##### **Formal Investigation**

Not every reported issue warrants a formal investigation. In situations that pose a serious threat to the health and safety of the employee or others, or where allegations are denied or discipline is likely, a formal investigation may be required.

In these cases, the employer may appoint an investigative team which would normally be led by the Executive Director / Board of Directors, or, if circumstances warrant, an outside investigator. An investigation generally includes:

- Interviewing the employee who reported the concern (the complainant)
- Interviewing the witnesses
- Meeting with the person alleged to have acted inappropriately (the respondent) to present the allegations and receive their response
- Determining the facts
- Providing findings and recommendations for action to the Executive Director / Board appointee (s) for action
- Advising all individuals involved in the investigation, including witnesses, of the requirement to maintain confidentiality, except with respect to union/legal representation

## **5. RESOLUTION PRACTICES**

### **5.1 Transfer of Employee**

In cases where a complaint of harassment is under investigation, the complainant has the right to request, through the Executive Director or designate, that contact with the respondent be discontinued pending the outcome of such investigation. Such request shall not be unreasonably withheld.

In cases where harassment has been proven and results in a decision to transfer an employee, where possible, it shall be the respondent who is transferred. The complainant would not be transferred against their will.

### **5.2 Discipline**

If a person is found to have engaged in activities contrary to this policy, whether through an investigation or through direct observation, the employer will take corrective action, which may include disciplinary measures up to and including dismissal.

### **5.3 Disclosure of Results**

Following the conclusion of an investigation, the employer will advise the complainant and the respondent of the results of the investigation, while respecting privacy. The employer has the authority to dismiss the complaint, determine appropriate discipline and/or take any action which may be necessary to resolve the issue. The details of any discipline administered will not be provided to the complainant or any witness interviewed in the investigation. (See 5.7 Confidentiality below)

### **5.4 Allowable Evidence**

No information relating to the complainant's personal background, lifestyle or mode of dress will be admissible in any investigative process.

### **5.5 Timeliness**

Reported issues will be resolved as soon as reasonably possible. Investigations, where required, will be completed and results communicated as soon as reasonably possible.

Should significant delays in the investigation be unavoidable, the respondent and complainant will normally be advised.

### **5.6 Workplace Restoration**

Following the resolution of a reported issue, the immediate supervisor is responsible for ongoing monitoring to ensure this policy is followed.

### **5.7 Confidentiality**

Managers and investigators will keep the details of any reported issue confidential to the best of their ability. However, confidentiality does not mean anonymity. Confidentiality is subject to the following limitations:

- A manager is responsible for addressing every reported issue
- The person alleged to have acted inappropriately (the respondent) is informed of the allegations in sufficient detail to make a full answer and defense
- It may be necessary to interview witnesses
- If the situation results in discipline, the disciplined employee has the right to grieve
- These limitations on confidentiality should not discourage employees from reporting a concern

The employer will not disclose the name of a complainant, alleged respondent or the circumstances related to the issue to any person except where the disclosure is necessary to investigate, take corrective action, or is required by law.

At the request of the respondent, the employer may inform the individuals who were involved with the investigation that inappropriate conduct was found not to have taken place. This may be necessary where the reputation of the respondent was negatively affected by the complaint or investigation.

### **5.8 Reprisal**

There shall be no reprisal, threat of reprisal or discipline against an employee who in good faith exercises rights under this policy.

### **5.9 False Allegations**

If it is determined that a complaint was deliberately made for frivolous, malicious or vindictive reasons, the employee making the allegation may be subject to discipline. This does not apply to

complaints made in good faith but which are not proven. This policy is not intended to dissuade individuals from filing legitimate complaints.

### **5.10 Rights**

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, contacting the police, or pursuing action through the policies of the United Church of Canada which govern Ministry Personnel.

### **6. References**

- The Manitoba Human rights Code, sections 19(1) and 19(2)
- Freedom of Information & Protection of Privacy Act
- Personal Health Information Act
- The Workplace Safety and Health Act, sections 4(1)(a) and 18(1)(bb)
- Workplace Safety and Health Regulation, sections 1.1.1, 10.1, 10.2, and 10.3
- Harassment and Workplace Violence Policy, United Church of Canada
- Sexual Abuse Prevention and Response Policy and Procedures, United Church of Canada