

RESPECTFUL WORKPLACE POLICY

STATEMENT OF COMMITMENT

The Province recognizes its responsibility to build and maintain a diverse respectful workplace, where all employees enjoy an environment in which the dignity and self-respect of every person is valued and which is free of offensive remarks, material or behaviour.

We recognize that workplace conflicts and disrespectful behaviour can jeopardize an individual's dignity, self-esteem and well being and possibly undermine work relationships, friendships and productivity.

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

The principle of fair and respectful treatment is a fundamental one that the Province commits to uphold for its employees and members of the public. This same commitment must come from our employees, who are personally responsible at all times for their behaviour and conduct. Together we can ensure that every individual is treated respectfully and courteously.

POLICY: Every employee can expect to be treated respectfully in the workplace. Every employee has the responsibility to refrain from participating in behaviour that is, or could be perceived to be disrespectful in nature.

QUESTIONS AND ANSWERS

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11. How should a manager communicate with the individual raising the concern and the person alleged to have committed the disrespectful behaviour?
12. Are complaints kept confidential?
13. What if an employee makes a false allegation?

AUTHORITIES:

Treasury Board Minute: TB 36A/2006-17(a)
The Manitoba Human Rights Code, sections 19(1) and 19(2)
Civil Service Regulations, sections 17(1), 17(2) and 23
The Civil Service Act
Freedom of Information and Protection of Privacy Act
Personal Health Information Act
The Workplace Safety and Health Act

Questions and Answers

1. What is a respectful workplace?

A respectful workplace is one that values:

- diversity and the human rights of others related to their race, national or ethnic origin, colour, religion, age, sex, marital status, family status, any physical or mental disability and sexual orientation
- the dignity of the person
- courteous conduct
- mutual respect, fairness and equality
- positive communication between people
- collaborative working relationships

2. What is disrespectful behaviour?

Disrespectful behaviour includes, but is not limited to the following:

- offensive or inappropriate remarks, gestures, material or behaviour
- inappropriate jokes or cartoons including racial or ethnic slurs
- grouping or isolating (example: on race or ethnic origin)
- yelling
- belittling
- reprimanding in the presence of others
- aggressive or patronizing behaviour
- embarrassing or humiliating behaviour
- discrimination as defined under human rights legislation
- sexual harassment (see comment box)
- damaging gossip or rumours
- unwarranted physical contact
- covert behaviour, i.e. inappropriately withholding information, undermining, underhandedness

3. To whom does this policy apply?

This policy applies to all employees including management of the Government of Manitoba and including casual, term, regular, departmental, student and contract employees. It applies to the workplace itself as well as to activities connected with the workplace such as travel, conferences, work related social gatherings, a client's home or a client's work site. It applies to relationships and interactions between employees and clients/general public.

4. How can managers ensure a respectful workplace?

- model respectful behaviour (see comment box)
- recognize and value diversity in the workplace (see comment box)
- create an environment that supports the resolution of respectful workplace issues
- inform employees that the work environment is one based on respect
- orient all employees to the government's respectful workplace policy and other related policies
- educate and train all supervisors and employees regarding a respectful workplace
- monitor the workplace to ensure respectful behaviour is practiced

5. What are employees' responsibilities?

- treat others with respect
- set an example by respecting the dignity and human rights of all employees and members of the public
- recognize and refrain from actions that offend, embarrass or humiliate others, whether deliberate or unintentional
- raise disrespectful conduct with the employee displaying it or with a person in authority as soon as possible. If you witness disrespectful behaviour you may wish to approach the individuals involved
- do not make allegations of disrespectful behaviour that are frivolous or vindictive
- make every effort to resolve respectful workplace issues, where possible in an informal manner

6. What is a manager's and supervisor's responsibility if an issue arises?

Managers and supervisors are responsible to immediately act upon any situation involving disrespectful behaviour.

Managers and supervisors will:

- recognize and address actions that offend, embarrass or humiliate others, whether deliberate or unintentional
- treat each situation as a serious matter
- manage the situation towards a resolution between the parties if possible, with a view to correcting behaviour and preserving long term working relationships
- safeguard against further incidents

- ensure there are no reprisals against employees making a complaint or participating in an investigation
- provide support to employees who are experiencing the effects of disrespectful behaviour
- consult with Human Resources if the situation cannot be resolved between the parties

7. What are the roles of Human Resources, the Employee Assistance Program, the Respectful Workplace Advisor, and the Union?

Human Resources have the following responsibilities:

- promote awareness of the Respectful Workplace policy
- assist management in the consistent application of the policy
- consult with and provide advice to management
- counsel employees on their rights and options
- receive complaints and ensure appropriate action is initiated
- conduct investigations as required
- inform employees of EAP services
- work collaboratively with others involved

The Employee Assistance Program has the following responsibilities:

- provide consultation services, advice and education to employees, managers, supervisors and workplaces on appropriate responses/options to address disrespectful behaviour
- assist employees in deciding on and pursuing an appropriate course of action in response to disrespectful behaviour
- provide coaching and counselling to employees who choose to approach the person who made them feel uncomfortable
- provide counseling for those affected by disrespectful behaviour
- advocate on behalf of affected employees to ensure compliance with protocols and policies pertaining to respectful workplace where appropriate
- provide restorative clinical services including mediation, group work and post investigation debriefings
- work collaboratively with others involved

The Respectful Workplace Advisor has the following responsibilities:

- acts as a resource to all levels within the civil service regarding respectful workplace practices, policy interpretations, systemic based behaviours
- collaborates with others throughout Government on educational, preventative, and awareness strategies related to respectful workplace behaviours
- receives and responds to enquiries, concerns, and issues related to behaviours that fall within the scope of the respectful workplace policy
- responds appropriately to requests from managers, supervisors, human resources, and employees to conduct resolution services (e.g. confidential guidance and information related to respectful workplace behaviours, mediation, facilitated discussion/resolutions/settlements, assessments, coaching)

- solicits other therapeutic and restorative services available through alternative government resources such as EAP and OSD
- assists managers, supervisors and human resources in creating a respectful workplace within specific working groups
- evaluates experiences with the administration of the policy and recommends changes to practices/policy

The Unions and Associations have the following responsibilities when representing employees of the bargaining unit:

- help employees understand the policy and the collective bargaining agreement
- help employees understand their rights as workers
- raise employee awareness of EAP services
- represent employees

8. What if you are accused of disrespectful behaviour?

- attempt to resolve the situation by listening and trying to understand the concern
- be open to the other person's perspective. For example, something which you consider to be humorous might be offensive to someone else
- consider the impact of your actions on the other person
- be willing to make reasonable changes that could make a difference. Often a sincere apology and a commitment to refrain from disrespectful behaviour is sufficient to resolve the situation in an informal manner
- if a formal investigation is underway, cooperate with the person(s) conducting the review. Remember that the same care and consideration would be given to you if you had reported an issue
- if necessary, seek support or assistance from a manager, supervisor, Human Resources, Union Representative or the Employee Assistance Program
- keep your involvement and nature of the complaint confidential

9. What can employees do if they are treated in a disrespectful manner?

Every situation is unique, but whenever possible, informal resolution of an issue as soon as possible is preferable. Employees are encouraged to follow the process as outlined to try to resolve a problem under the Respectful Workplace Policy. (Note that EAP or your Union may also be helpful in facilitating resolution of the problem at any stage of this process)

Informal Process – Level 1 to 4

Level 1

Be proactive. Try to resolve the problem on your own. Do not wait until a recurrence or assume the problem will go away. Approach the employee who made you feel uncomfortable, explain how it affected you and ask them to stop. Do this calmly, respectfully, and in confidence. Often, an employee may not be aware that her or his behaviour is offensive, and most will change the behaviour once they are aware of the

problem. If another employee approaches you regarding an issue of respect, careful listening, respectful discussion and honesty will often lead to a resolution.

Level 2

If you have attempted to resolve the problem without success or if you are not comfortable addressing the problem on your own, discuss the problem and possible solutions with your immediate supervisor. Confidentiality considerations should be discussed and agreed upon.

Level 3

If for any reason you are unable to discuss the problem with your immediate supervisor, other avenues are available to help you resolve the problem. You may contact another appropriate level of management up to and including Senior Management. The importance of confidentiality will be addressed.

Level 4

If you have attempted to resolve the problem, as outlined in Level 3, and it has failed to correct the situation, then assistance through Human Resources, the Employee Assistance Program or your Union may be necessary. For excluded (non union) employees the Director, Human Resources Programs, Civil Service Commission (CSC) may be contacted. Confidentiality will be reinforced with all individuals involved.

Whether a formal or informal process is used, employees are encouraged to take notes which reflect, as much as possible, the dates, times, nature of the behaviour, any witnesses, and what was done. These notes will be useful for anyone assisting in resolving the problem. In addition, you may be asked to file a formal written report or complaint with a person in authority.

10. What is involved in a formal process and investigation of a complaint regarding disrespectful behaviour?

The respectful workplace policy is not intended to discourage or prevent the complainant from exercising any other legal right pursuant to any law, including filing a complaint with the Human Rights Commission. Not every complaint of disrespectful behaviour warrants a formal investigation. In fact, it is hoped that most complaints can be resolved between the parties involved, with subsequent monitoring by management to ensure that there is no recurrence. However in situations where allegations are denied or discipline is likely, an investigation may be required. The Employing Authority/Senior Management would direct the investigative team which would normally be led by Human Resources or the Labour Relations Division of Treasury Board Secretariat.

An investigation generally includes the following:

- interviewing the employee who has raised the concern (they may be accompanied by a support person)
- interviewing witnesses
- meeting with the employee alleged to have acted disrespectfully along with their representative to present the complaint and hear the response

- determining the facts
- maintaining confidentiality amongst the individuals involved and within management
- providing findings to senior management
- recommending an appropriate response to the employing authority, which may include disciplinary action

11. How should a manager communicate with the individual raising the concern and the person alleged to have committed the disrespectful behaviour?

The manager will communicate with the individual raising the concern by:

- listening and taking the issue seriously
- discussing the process to be followed
- directing the individual to keep the matter confidential
- informing and supporting the individual throughout the process
- informing the individual of the investigative findings and actions taken by management (note: specific details are not provided due to privacy legislation)
- ensuring the situation is documented appropriately

The Manager communicates with the person alleged to have committed the disrespectful behaviour by:

- informing the person of the complaint
- advising them of the right to representation
- giving them an opportunity to respond to the allegations
- discussing the process to be followed
- directing them to keep the matter confidential
- informing the person throughout the process
- informing the person of the outcome of the investigation

12. Are complaints kept confidential?

Managers, Human Resources and investigators keep the details of a complaint confidential to the best of their ability. However, confidentiality does not mean anonymity because witnesses may be involved.

If the matter involves discipline, employees covered by a collective agreement have a right to grieve through their union/association and excluded employees can file an appeal to the Civil Service Commission Board. This grievance process may lead to a formal hearing which could involve testimony from the complainant, witnesses, the accused individual and management.

These limitations on confidentiality should not discourage employees from making a complaint. Many complaints are resolved without a formal investigation. Issues should be raised at an early stage to facilitate a mutual resolution.

13. What if an employee makes a false allegation?

If the investigation proves that the complaint was deliberately made for frivolous or vindictive reasons, the employee making the false allegation is subject to discipline. This does not apply to complaints made in good faith but which are not proven.

Comment Boxes

1. Sexual harassment

- Refer to Manitoba Government Employee's Master Agreement and Civil Service Commission policy on Sexual Harassment

2. Model Respectful Behaviour

- Refer to Manitoba Competency Catalogue :
Respects Others/Builds Trust Competency

3. Recognize and Value Diversity in the Workplace

- Refer to Manitoba Corporate Competency Catalogue:
Values Diversity Competency