



# RESPECTFUL WORKPLACE PROCESS

## WHAT TO DO IF FACED WITH DISRESPECTFUL BEHAVIOUR

*Respectful Workplace Policy* (# 20.10. 090) <http://www.wrha.mb.ca/about/policy/files/20.10.090.pdf>

*Respectful Workplace Procedures Manual* [http://www.wrha.mb.ca/professionals/respectfulworkplace/files/RW\\_ProceduresManual.pdf](http://www.wrha.mb.ca/professionals/respectfulworkplace/files/RW_ProceduresManual.pdf)

The following is intended to help you if you think that you have been confronted with behaviour believed to be disrespectful. Each situation will be different and will need to be handled appropriately.

### **What is Disrespectful Behaviour?**

Disrespectful Behaviour is a course of conduct or comments that are inappropriate, demeaning or otherwise offensive behavior intended to create an uncomfortable, hostile and/or intimidating work environment. This may include discrimination, harassment, personal harassment or sexual harassment. Disrespectful Behavior does not include: consensual banter or consensual romantic relationships; performance reviews, counseling, and/or discipline imposed by the employer.

*Note: incidents of violence, aggression and reactive behaviours from patients and families are addressed through OESH and the Injury/Near Miss Process.*

### **Immediate Resolution**

Be proactive. Try to resolve the problem directly with the person with whom you have a concern. Do not wait until it happens again or think the problem will go away. Approach the person who made you feel uncomfortable, explain how it affected you and ask them to stop. Do this calmly, respectfully, and in confidence. Often, an individual may not be aware that her or his behaviour is offensive, and most will change the behaviour once s/he is aware of the problem. If another person approaches you with a concern about your own behaviour, listen carefully and respectfully. Honest, direct discussion will often lead to a resolution.

### **Consultation**

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, human resources or a union representative. Consulting these supports, does not commit you to filing a formal respectful workplace complaint. You will be assisted in identifying appropriate ways of responding to the concerns through both informal and formal means. Whenever reasonable, informal steps to resolve these matters are preferable as they focus on rebuilding and repairing the on-going relationship between the people involved.

### **Options Following Consultation**

Following consultation, you may consider, but are not limited to the following options:

- you may pursue an informal resolution process; or
- you may decide to file a formal complaint.
- you may decide not to pursue the matter further;
- the employer may determine that the concern does not fall under the provisions of the Respectful Workplace Policy and no further action will be taken under the Policy;
- the employer may decide to pursue the matter on its own initiative due to the serious nature of the concern raised and either an informal process will be pursued or a formal investigation will begin;

### **Informal Resolution Process**

Whether any of the options listed below are appropriate will depend on the situation and other options not currently contained within this material may also be appropriate. The decision on appropriate options will be at the discretion of the Employer. Some of the options for informal resolution include:

#### **One-on-One Discussion**

After consulting with other parties you may feel equipped on how to discuss the concerns directly with the individual with whom you have concerns. This will likely lead to an effective resolution as it is likely the individual will modify his/her behaviour once s/he is made aware of the concern.

#### **Management Involvement**

This may include management taking any number of steps including but not limited to the setting and confirming of expectations, clarification of obligations, introduction of certain rules, procedures, guidelines, etc.

#### **Human Resources Involvement**

Human Resources staff can assist in any number of ways including providing education and information sharing sessions with affected staff; reinforcement of standards and expectations as well as providing certain cautions

#### **Conciliation/Mediation**

This option uses the assistance of a neutral third party to meet with the two parties (together or separately) in an attempt to resolve the concerns and to build agreement on how interactions will occur into the future. The focus is on rebuilding the relationship and not on finding fault of either party. An individual from human resources, a manager, other employer representative or outside service providers may also serve in this role.

## Filing a Formal Complaint

Not every complaint of disrespectful behaviour warrants a formal investigation. In fact, it is hoped that most complaints can be resolved between the people involved, with subsequent monitoring by management to ensure that there is no recurrence. However, at times, an investigation will be required.

A formal complaint must be in writing, signed, dated and include all particulars of the allegations and the names of any witnesses to the behaviour or event. Send it to the Director of Human Resources Services in a sealed envelope marked confidential. **To ensure all applicable information is included, a Respectful Workplace Formal Complaint form should be completed (as attached).**

The Director, Human Resources will confirm that s/he has received your complaint via a letter of acknowledgment and will determine, based on the content of the complaint, whether the concerns fall within the Respectful Workplace Policy:

(a) If the concern falls under the Policy, the Director will then determine whether a formal investigation is appropriate or whether an informal resolution process should be pursued.

(b) If the concern does not fall under the Policy, the Director will advise you that it will not be pursued under the Policy and will advise of other possible processes that may be appropriate.

If an informal process is identified, the Director of Human Resources or designate will work with you and your union representative, at your express wish, and others identified in your complaint in an effort to satisfactorily resolve the concern.

If a formal investigation is determined appropriate, the Director of Human Resources will advise you and the respondent and will assign an investigator. The respondent will be provided with a copy of the written complaint. Management in the respective areas will be advised as appropriate.

The investigator will contact you and the respondent to answer any procedural questions and to identify next steps. The respondent will be advised of the need to file a written reply to the complaint with the investigator by a set date (average length of time to reply no longer than 2 weeks).

A **formal investigation** generally includes the following:

- Interviewing (union representation during the investigation is available as applicable)
  - the person who has raised the concern
  - witnesses
  - the person who has allegedly acted disrespectfully along with his/her representative to present the complaint and hear the response
- Determining the facts
- Maintaining confidentiality among the individuals involved
- The investigator will evaluate all of the evidence and prepare a written report that will be provided to the Director of Human Resources.
- The Director Human Resources in consultation with the CEO/COO and appropriate management representatives will determine what action, if any will be taken as a result of the findings contained within the investigation report.
- A summary of the final report will be shared with you and respondent unless circumstances warrant otherwise, in which case a summary of the findings will be shared. The report may be shared with your union representative if you wish.

### Time Frame

Reasonable efforts shall be undertaken to complete an investigation within 90 days from date of approval to proceed unless circumstances warrant otherwise. If the investigation is expected to be longer in duration, everyone will be appropriately notified.

### Confidentiality

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 and non-union employees can file an appeal to the Director of Human Resources or Site Executive. 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.

### Effect of Complaint On Other Proceedings

*This Policy in no way prevents Staff from exercising any other legal rights available to them under any other process or law and specifically, Staff have continued and full access to raise concerns and/or file complaints with The Manitoba Human Rights Commission. **Medical Staff:** Any alleged breaches of the Respectful Workplace Policy against physicians shall be investigated and processed in accordance with this manual and the Respectful Workplace Policy and not under the processes outlined in the Medical Staff By-Law unless so delegated by the CEO. Should a physician be found to be in breach of the Policy appropriate disposition shall occur as determined by the WRHA facility and the WRHA CMO except that such disposition shall have no impact on the physician's privileges. This disposition does not prevent the simultaneous referral of the issue by the WRHA CMO to the Medical Executive Committee ("MEC") as a "complaint" pursuant to Section 6.2.3 of the Medical Staff By-law and MEC may determine the appropriate disposition of the complaint, in accordance with the Medical Staff By-Law, and whether the physician's privileges should be affected.*



Please describe what actions, if any, that you have taken to try to resolve this problem.


What resolution are you seeking?


\_\_\_\_\_

Complainant

\_\_\_\_\_

Date

**Please note:**

- 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 that you provide 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, as outlined in the policy procedures. 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 or the filing of a grievance under a collective agreement.**

**SUBMIT COMPLETED FORM TO DIRECTOR, HUMAN RESOURCES IN A  
CONFIDENTIAL ENVELOPE**