



Mid-West Planning District

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POLICY

Title	Harassment and Violence Prevention
Policy #	3-2021
Issue Date	April 1, 2021
Resolution	39/21
Authority	Mid-West Planning District Board; Workplace Safety and Health Regulation; Canadian Criminal Code
Repeals Policy #	n/a

SUBJECT / APPLICATION: At Mid-West Planning District, we are committed to providing a safe and respectful work environment for all staff and customers. No one may be harassed and no one has the right to harass anyone else, at work or in any situation related to employment with this organization.

The Board recognizes the potential for violence or threats against staff. Actions have been taken to identify possible sources of violence and to implement a violence prevention program to eliminate or minimize risk.

This policy is a step toward ensuring that our workplace is a respectful and safe place for all of us, free from harassment.

LEGAL AUTHORITY / RELEVANT BY-LAWS: The implementation of this policy will be by resolution of the Board of the Mid-West Planning District.

The Workplace Safety and Health Regulation

Canadian Criminal Code

POLICY:

What is Harassment?

There are two main types of harassment. One type includes inappropriate conduct in any form about a person's:

- age, race
- creed, religion
- sex, sexual orientation
- marital status, family status, economic status
- political belief, association or activity
- disability, size, weight, physical appearance
- nationality, ancestry or place of origin

A second main type relates to what is sometimes referred to as "bullying" behaviour that may involve:

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

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

What is not Harassment?

Reasonable, actions by managers or supervisors to help manage, guide or direct workers or the workplace are not harassment. Appropriate employee performance reviews, counselling or discipline by a supervisor or manager is not harassment.

Employee Rights and Responsibilities

Employees are entitled to work free of harassment at Mid-West Planning District.

Employees have the responsibility to treat each other with respect. We ask that any employee who experiences harassment or sees another person harassed report it to the appropriate person at Mid-West Planning District – either the Development Officer or the Chairperson of the Personnel Committee.

Employees are responsible to co-operate in the investigation of a harassment complaint. Anyone who investigates or gives evidence in a complaint investigation is asked to keep details confidential until the investigation is complete.

All employees have the right to file a complaint with the Manitoba Human Rights Commission.

Employer Responsibilities

The Mid-West Planning board must ensure, as much as possible, that no employee is harassed in the workplace.

The Board will take corrective action with anyone under their direction who harasses another person.

The Board will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to anyone except where disclosure is:

- necessary to investigate the complaint
- a part of taking corrective action
- required by law

The harassment prevention policy at Mid-West Planning District does not discourage or prevent anyone from exercising their legal rights.

Mid-West Planning District, its board and managers are responsible for keeping a safe work environment, free of harassment. If you are a manager and you become aware of harassment you must do everything in your power to stop it, whether or not a complaint is made.

Courts presume that employers and managers are responsible for being aware of harassment in their organization and may penalize them accordingly. Managers who ignore harassment leave themselves and their employer open to legal consequences, and will be disciplined at Mid-West Planning District.

Procedures Applying to Complaints of Harassment

If you are harassed, the first thing to do is tell the person harassing you to stop, if you feel comfortable doing that. You can do this in person or in writing. If you feel unable to deal with them directly, you can speak to your supervisor or the Chairperson of the Personnel Committee.

There may be informal ways to handle your complaint. Your supervisor may speak to the alleged harasser. Your supervisor may also arrange for mediation, in which a neutral third party helps the people involved reach an acceptable solution. If the informal route does not succeed or is not appropriate, Mid-West Planning District supports its employees in filing a formal complaint.

The complaint will be investigated thoroughly and promptly by an independent party (either within the organization or outside of it) trained to investigate such matters. The investigator will interview the complainant, the alleged harasser and any witnesses. When the investigation is complete, the investigator will provide a written report for management.

The Chairperson of the Personnel Committee will inform the person who filed the complaint and the alleged harasser of the results of the investigation in a timely manner.

Corrective Action for Harassers

Employees who harass another person will be subject to corrective action by the employer. In most cases, the harasser will also be required to attend workplace behaviour training.

If the investigation does not find evidence to support the complaint, no record will be kept in the file of the alleged harasser. When the investigation finds harassment occurred, the incident and the corrective action will be recorded in the harasser's personnel file.

Confidentiality

The company and its managers will not identify a complainant, an alleged harasser or any circumstances about a complaint, to anyone, except:

- when it is necessary in investigating the complaint
- if it is part of disciplinary action
- where required by law

Retaliation

Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation or been found guilty of harassment, will be considered to have committed harassment and will be subject to corrective actions described previously.

Education

Mid-West Planning District commits to making sure all of its employees and managers learn about harassment and the company's harassment policy.

Monitoring

Mid-West Planning District will monitor this policy and make adjustments whenever necessary. If you have any concerns with this policy, please bring them to the attention of the Chairperson of the Policy Committee.

Note:

No record of the complaint, investigation or decision will go in the employee's personnel file if the complaint was made in good faith. Any unfavourable work review or comments that were placed in the complainant's personnel file because of the harassment will be removed from the file.

What Is Violence?

As defined in Part 11 of The Workplace Safety and Health Regulation, M.R. 217/2006: "Violence" is the attempted or actual exercise of physical force against a person and any threatening statement or behaviour that gives anyone reason to believe that physical force will be used against them.

Violence is against the law

Canada's Criminal Code prohibits violence. You have a right to live and work without being subjected to violence. This policy outlines what to do if you are subjected to threats or violence at work, or if you, as a manager or an employee, become aware of a violent situation.

Employee rights and responsibilities

- Employees are entitled to work free from violence.
- Employees are responsible for working together in a professional manner and resolve issues in a non-violent manner.
- Employees are to bring issues to their supervisor if they cannot be mutually resolved.
- Employees must report incidents of violence to their supervisor.
- Employees must cooperate in the investigation of a violent incident.
- Anyone who gives evidence or information in an investigation, or is involved in the process must keep this information confidential, except when it is necessary to deal effectively with the issue.

Employer responsibilities

- The management at Mid-West Planning District will ensure, as much as reasonably practical, that no employees are subjected to violence in the workplace.
- Management will take corrective action with anyone under their direction who subjects an employee to violence.
- Management will not disclose the name of a complainant or the circumstances of the complaint to anyone except where disclosure is:
 - necessary to investigate the complaint
 - required to take corrective action
 - required by law
- Any information that is disclosed (as above) will be the minimum required for the purpose.
- Management will ensure all employees are aware of the risks of violence in the workplace and are properly trained and equipped to protect themselves.

Mid-West Planning District's violence prevention policy is not intended to discourage or prevent anyone from exercising any other legal rights under any other law.

Mid-West Planning District, its managers and supervisors are responsible for creating a safe working environment that is free from violence. Anyone aware of violence in our workplace must bring it to the attention of management so the issue can be addressed immediately.

Where might violence occur?

At Mid-West Planning District, employees working in our reception area and employees out on inspection have the highest risk of exposure to violence from customers and the public.

The jobs and tasks associated with the highest risk of violence exposure include:

- front reception desk – when greeting customers
- inspectors – when visiting inspection sites

Steps to eliminate or reduce the risk of violence

Mid-West Planning District assesses the risk for workplace violence annually, or more often if something in our workplace changes, or a violent incident occurs.

The reception area desks have been designed to minimize contact between our employees and customers. The areas and furniture have been designed so that employees can quickly remove themselves if a violent situation occurs.

Inspectors are allowed to refuse/stop inspections if they feel threatened or the situation/area is unsafe.

Mid-West Planning District has a system for flagging individuals who have demonstrated increased risk for violent behaviours. Alerts will be placed in customer files and the information shared with employees who are likely to encounter those customers.

Notifications of individuals who have been restricted from Mid-West Planning District property are kept in the alert binder at reception. Reception and other relevant staff will be informed of new alerts as they occur.

Safe work procedures have been developed to inform and train employees about the risks of violence. Documented safe-work procedures on violence prevention include:

- emergency response plan for injured workers
- working alone or in isolation
- how to deal with irate customers
- robbery prevention
- handling money
- parking lot safety

Employees

- The violence prevention policy will be reviewed with all staff at orientation.
- The plan for working alone or in isolation must be reviewed with all employees who work alone. Employees must follow this plan and supervisors must ensure the plan is followed.
- Cell phone communication will be provided to all field employees.
- Prior to attending a high-risk area or client, appropriate procedures must be developed with your supervisor (check-in times, number of employees, distress word etc.).

Notification of risk

Any time there has been a change in the nature or extent of the risk of violence, Mid-West Planning District will provide employees with all of the information available, including personal information, within the limitations of the law. Information will be provided to the extent necessary for the purpose.

How to report incidents of violence

1. If the situation has or is likely to escalate into a physical act of violence, contact the police immediately.
2. Report all threats or acts of violence to your immediate supervisor.
3. The supervisor will notify the Manitoba Workplace Safety and Health Division if the incident meets the definition of a “serious incident” (as outlined under the section, Process for Investigating Violent Incidents).
4. The employee and the supervisor will complete an Incident Report Form. The form must be completed for all incidents, whether the incident involves a threat or act of violence.
5. The supervisor will report all incidents of violence to the Chairperson of the Personnel Committee at Mid-West Planning District as soon as possible, including the Incident Report Form. The Chairperson will immediately notify the rest of the Personnel Committee within 24 hours of receiving the Incident Report Form.

Incident investigation

When an incident of violence has occurred or could reasonably be expected to occur, Mid-West Planning District will take the following steps:

1. If the incident meets the definition of a “serious incident” as defined by Part 2 of the Workplace Safety and Health Regulation, the supervisor will immediately notify the Workplace Safety and Health Division and the Personnel Committee.
2. The supervisor will advise any employees who may be at risk.
3. The Personnel Committee, will complete an investigation into the incident using the forms.
4. All information available and relevant to the violent incident will be provided to the investigation team.
5. The investigation results will be summarized by the Personnel Committee with a copy of the report given to the supervisor.
6. The recommendations will be reviewed with the safety and health committee and documented on the Incident Report Form.

7. Once the recommendations have been implemented, staff will be notified and it will be noted on the safety and health committee minutes.

Follow up to a Violent Incident

Employees who have been victims of violence will be:

- encouraged to seek medical help from their healthcare providers or referrals for post-incident counselling, if required
- given the opportunity to be examined by a doctor and transported to a medical facility, if required

Employees will keep all existing benefits while under treatment or counselling.

If an employee gets medical help or misses work, both the employer and employee must file a report of injury with the Workers Compensation Board.

The supervisor and the Personnel Committee will review the incident and its effects and take reasonable steps to accommodate employees involved in the incident.

End of Policy.

This Policy has been reviewed and approved for use or implementation by the Board of the Mid-West Planning District on April 1, 2021 by Resolution # 39/21.

Development Officer/Designated Officer

Chairman of the Board