

## **SECTION 4 – RTAM RESPECTFUL ENVIRONMENT POLICY AND PROCEDURES**

### **4.01 RTAM Commitments**

RTAM affirms its commitment to maintaining a safe and respectful environment for all members and staff that is free from harassment and at all times supports the dignity and self-esteem of individuals. All employees, as well as members, are entitled to a workplace that is free of harassment, discrimination and workplace violence.

All employees, regardless of their position or seniority, found to have engaged in conduct constituting harassment or violence will face appropriate disciplinary action up to and including dismissal. All employees of RTAM will be apprised of the policy and procedure. This policy will be posted in the RTAM staffroom and on the RTAM staff fridge.

All members, regardless of their position, found to have engaged in conduct constituting harassment or violence will face appropriate disciplinary action, up to and including expulsion.

RTAM has developed this organization-wide policy intended to ensure, so far as reasonably practicable, that no worker or member is subjected to harassment or violence in the workplace and/or while involved in RTAM associated activities, and to deal quickly and effectively with any incident that might occur.

Employees or members experiencing harassment or violence should not assume RTAM is aware that a problem exists. If an employee or member feels that they are being harassed, discriminated against, or the subject of workplace violence, or has witnessed any of this behaviour, RTAM wants the employee or member to let RTAM know as soon as possible. The procedures for reporting workplace and RTAM-associated harassment and violence are set out below in this policy.

Harassing or violent behaviour can occur on RTAM's premises or in the pursuit of a business activity off RTAM's premises. This policy applies to all persons who are employed at RTAM or who are members of RTAM, as well as to third parties (such as visitors or contractors) while they are on RTAM's property or are participating in an RTAM sponsored activity.

For the purposes of this policy, a "Competent Person" is defined as a person who:

is impartial;

has knowledge, training and experience in issues relating to workplace violence and harassment; and

has knowledge of relevant legislation.

## **4.02 Employee and Member Rights and Responsibilities**

Employees and members have the responsibility to treat each other with respect. We ask that any employee or member who experiences harassment or sees another person harassed reports it to the appropriate person at RTAM.

Employees and members are responsible to co-operate in the investigation of a harassment or violence complaint or incident. Anyone who participates in a complaint investigation is asked to keep details confidential until the investigation is complete.

This policy is not intended to discourage or prevent a complainant from exercising any other legal rights, actions or remedies that may be available pursuant to any other law. Pursuant to legislation, employees have the right to contact the Manitoba Human Rights Commission to file a complaint of harassment in the workplace.

This policy is not intended to apply to cases of suspected child abuse. Child abuse situations are governed by Child Welfare and must be referred directly to Child and Family Services.

## **4.03 RTAM Responsibilities**

RTAM leadership must ensure, to the extent reasonably possible, that no employee or member is harassed or subjected to violence in the workplace or while involved in RTAM associated activities.

RTAM, its Executive Committee and Executive Director are responsible for keeping a safe work environment. If you occupy one of these offices or positions and you become aware of harassment or violence in the workplace or pertaining to RTAM associated activities, you must do everything reasonably in your power to stop it, whether or not a complaint is made.

Courts and the Human Rights Commission presume that employers and managers are responsible for being aware of harassment in their organization, and may penalize them accordingly if they do not take steps to address matters. RTAM leadership who ignore harassment or violence leave themselves and RTAM open to legal consequences, and will be disciplined for ignoring or perpetuating harassment or violence if they knew or ought to have known of the circumstances.

RTAM will take decisive and suitable action will be taken with anyone found to have harassed or perpetuated violence towards another person in the workplace or in association with RTAM activities.

RTAM will ensure that all employees, members and leadership are made aware of and understand [this policy](#).

## **PART I - HARASSMENT**

### **4.04 Definitions of Harassment**

#### a) Definition of Workplace Harassment

Workplace harassment is a form of discrimination. Harassment creates a hostile or intimidating environment, in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere significantly with an individual's work performance, or creates a risk to a worker's health, or psychological or physical well being.

It may be broadly defined as a single severe event (in some circumstances) or a series of incidents that involve unwelcome or objectionable comments, conduct or display undertaken or made on the basis of the following grounds:

a person's ancestry, including colour 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 sex-determined characteristics or circumstances such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;

gender-identity;

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;

conviction for an offence for which a pardon has been granted; or

other prohibited grounds (including physical size and weight) that creates a risk to the health of a worker, detrimentally affects the work environment or leads to adverse job-related consequences for the victims.

This behavior need not be intentional in order to be considered harassment.

"Discrimination" means discrimination based on the grounds set out above.

This definition also applies to harassment in association with RTAM member activities.

#### b) Definition of Sexual Harassment

"Sexual Harassment" is defined in *The Human Rights Code (Manitoba)* as:

- a series of objectionable and unwelcome sexual solicitations or advances of a sexual solicitation;
- an advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows or ought to reasonably to know that it is unwelcome; and/or
- a reprisal or threat of reprisal for rejecting a sexual solicitation or advance.

In addition to the behaviours defined in the Manitoba Human Rights Code, RTAM also recognizes sexually oriented behaviour or remarks which create a negative psychological environment to be sexual harassment. Such behaviour or remarks include, but are not restricted to:

- demeaning remarks based on gender;
- suggestive jokes about sex;
- inappropriate comments about clothing, physical characteristics or activities;
- inappropriate displays of sexual pictures or materials;
- leering, ogling, or suggestive or insulting sounds; and/or
- unwanted questions or comments about one's private life.

Like other forms of harassment, an incident of sexual harassment may involve a single event if sufficiently serious.

#### c) Definition of Personal Harassment

Personal Harassment is also prohibited by this policy. It is defined as a course of continuous conduct that is objectionable, unwelcome, degrading, and offensive and serves no legitimate work-related purpose and has the effect of interfering with a person's work performance, psychological or physical well-being, or creates an intimidating, humiliating, hostile or offensive environment. It can include:

unjustified, unfair criticism or ridicule;

insults, mocking, belittling or abusive comments and behaviour especially in front of others;

repeated incidents of yelling, screaming or name calling;

behaviour that is rude, intimidating or vindictive; and/or

is not based on grounds protected by Human Rights legislation.

Personal Harassment relates to the cruel, harsh, unfair, or threatening treatment of an employee which may or may not have as its object encouraging the employee to terminate their employment with RTAM.

Like other forms of harassment, personal harassment may involve a single event if sufficiently severe, so as to have a lasting, harmful effect on the worker or member.

#### d) Definition of Bullying and Generally Disrespectful Behaviour

RTAM believes that bullying can be a serious problem that when occurring, requiring prompt and accurate intervention. For that reason, bullying has been included in this policy, and will be considered a form of harassment. Complaints involving bullying of staff, Board members and/or members will be addressed and violations of this policy may result in discipline, up to and including termination of employment or expulsion from membership.

Bullying is defined as unfair and one-sided aggression towards another person and may include physical, verbal, social, or written aggression (including electronic communication such as social media, text messaging and email), isolation or intimidation. It often involves an imbalance of power and strength and results in the target person feeling humiliated and/or distressed. Bullies generally hurt, threaten, and/or frighten others in a repetitive, intentional way. However, a single event of severe objectionable conduct that adversely affects a person's psychological or physical well-being may be considered bullying if it is sufficiently severe, so as to have a lasting, harmful effect on the worker or member.

Disrespectful behavior towards others is also contrary to the values and objectives of RTAM.

Employees, Board members and members are expected to treat every other employee, Board member, member, and visitor in a respectful manner such that their behavior would set an example of appropriate conduct for others.

Examples of disrespectful behavior include, but is not limited to:

- swearing, yelling, name calling, and/or gossiping;
- reprimanding in the presence of others;
- the improper use of power or authority inherent in one’s position; and
- offensive or inappropriate remarks, gestures, behavior or displays of material.

#### e) Further Examples of Prohibited Conduct

Examples of conduct which may violate this policy include, but are not limited to: behavior or conduct addressed directly to an individual(s) that threatens violence or property damage, or incites imminent lawless action that is made with specific intent to harm; racial and ethnic epithets, slurs and insults; slander, libel or, obscene speech that advocates racial, ethnic or religious discrimination, hatred or persecution; unwelcome sexual flirtations, sexual advances, physical or visual conduct that is abusive or propositions including sexually degrading words and unwelcome physical touching; sexual, racial or other jokes; e-mails; drawings; cartoons or written materials which are offensive.

Harassment does not include actions occasioned through exercising good faith, or if RTAM is exercising its normal managerial rights and responsibilities such as assigning and organizing work, evaluating performance, setting reasonable standards of work, taking corrective action (i.e. coaching, counseling or discipline) with respect to conduct or performance.

### **4.05 Reporting and Investigation Procedure**

#### **4.05 (a) Reporting Harassment and Discrimination**

The following reporting procedure applies to all incidents of harassment and discrimination. The procedure for reporting workplace violence is set out separately in this policy.

Reporting harassment is to be done as follows:

If you feel you are being subjected to harassment, the first thing to do is to 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 the person directly, you should submit a complaint, in writing to the Executive Director of RTAM. If the complaint involves a Board Member or the Executive Director, then the complaint may be directed to the President of RTAM. In either case, the Board will be advised that a complaint has been filed, unless the complaint involves a member of the Board, in which case that individual will not be advised.

All complaints will be taken seriously, and will be dealt with fairly and promptly. There may be informal ways to handle a complaint. The Executive Director or President may speak to the alleged harasser. The Executive Director or President may 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 in the circumstances, RTAM will support a formal investigation into the complaint.

#### **4.05 (b) Investigations**

Where an investigation is required, it will be performed by a Competent Person, designated by RTAM. RTAM retains the right to determine whether to designate an internal or external Competent Person, depending on the circumstances of the complaint.

The complainant and the respondent are both entitled to a fair process and will both be informed of the process, progress and results of the investigation in writing by RTAM. The complainant and the respondent will both be interviewed, as well as any other witnesses.

Given the sensitivity of these matters, RTAM will do its best to preserve confidentiality throughout the process during the investigation, and will not disclose the name of the complainant or an alleged harasser unless necessary to investigate the complaint or take corrective action with respect to the complaint, or where required by law.

RTAM shall, on completion of the investigation into the incident of harassment:

keep a record of the report from the Competent Person, as well as any communications to the parties informing them of the results of the investigation;

provide the workplace safety committee or the health and safety representative, as the case may be, with the results of the investigation, so long as such disclosure is not prohibited by this Policy or by law; and

take suitable and decisive action in respect of any person under RTAM's direction who subject's another person to harassment. This action may likely include discipline or corrective action up to and including the dismissal of the offending person(s) from employment, or in the case of members, discipline or corrective action up to and including the expulsion of the offending person(s) from membership.

## **PART II – VIOLENCE**

### **4.06 Application to Members**

Unless expressly stated otherwise, Part II of this Policy applies in full to members of RTAM. References to "employee" are interchangeable with member, and references to "workplace" are interchangeable with any place where RTAM activities are being conducted.

### **4.07 Definition of Workplace Violence**

Workplace violence constitutes any action, conduct, threat or gesture of a person towards an employee in their workplace that can reasonably be expected to cause harm, injury or illness to that employee. It includes, but is not limited to, actual or attempted physical force against a person, or any threatening statement that gives a person reasonable cause to believe that physical force will be used against them or another person.

RTAM is committed to ensuring, so far as is reasonably practicable, that no employee is subjected to violence in the workplace and will ensure all employees are aware of the risks of violence in the workplace and are properly trained and equipped to protect themselves. As such, it is committed to:

providing a safe, healthy and violence-free workplace, to the extent reasonably practicable;

dedicating sufficient attention, resources and time to address factors that contribute to workplace violence including, but not limited to, bullying, teasing, and abusive and other aggressive behaviour and to prevent and protect against it;

communicating to its employees information in its possession about factors contributing to workplace violence;

training employees on this policy;

ensuring employees comply with this policy; and

assisting employees who have been exposed to workplace violence.

### **4.08 How to Report Incidents of Violence**

In the case of workplace violence, employees must report incidents of violence to their supervisor. Should the supervisor be the object of a violence complaint, the complaint should be made to the Executive Director. Complaints can be made orally or in writing.

The complainant and the Executive Director will assess the risk associated with the situation and a documented incident report must be prepared and submitted to Executive Director or the RTAM President within twenty-four (24) hours of being notified



of the violent incident. The documented report must be completed for all incidents of violence, whether there is actual violence or a threatening situation where there is a reasonable expectation that it may become violent, and regardless of whether there is actual injury.

In the event immediate assistance is required when an incident of violence occurs or is likely to occur, the employee or supervisor shall follow the steps outlined in "Emergency Procedures" below.

Incidents of violence will be investigated as soon as reasonably practicable after the incident. This will be done by a Competent Person, designated by RTAM. RTAM retains the right to determine whether to designate an internal or external Competent Person, depending on the circumstances.

Given the sensitivity of these matters, RTAM will do its best to preserve confidentiality throughout the investigation, and will not disclose the names of the persons involved unless necessary to investigate the incident of violence or take corrective action with respect to the complaint, or where required by law. If personal information must be disclosed as described in this paragraph, it will be the minimum amount necessary for the purpose.

RTAM shall, on completion of the investigation into the workplace violence incident:

keep a record of the report from the Competent Person;

provide the workplace safety committee or the health and safety representative, as the case may be, with the report of the Competent Person, providing information whose disclosure is not prohibited pursuant to this policy or by law;

take suitable and decisive action in respect of any person under RTAM's direction who subject's another person to violence, which action may likely include discipline or corrective action up to and including the dismissal from employment of the offending person(s), or in the case of members, discipline or corrective action up to and including expulsion from membership; and

adapt or implement, as the case may be, controls to prevent a recurrence of the workplace violence.

#### **4.09 Notification of Employees as Risk**

When an actual incident of violence has occurred or when a situation is reasonably expected to become violent, RTAM will take the following steps to ensure the safety of all employees and members:

The Executive Director will advise the employee, if aware the employee is at risk. The Executive Director will also coordinate a review of current procedures in an effort to eliminate or minimize risk.

Unless otherwise prohibited by law, in informing the employee of risk, the information will include any information in RTAM's possession, including personal information, related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work. The personal information provided will be the minimum required to accomplish the purpose. Depending on the circumstances, appropriate steps will be taken to protect the employee or member, as far as reasonably practicable.

#### **4.10 Recommendation to Get Medical Help**

If an employee or member has been the victim of violence, the employee or member will be:

- encouraged to get immediate medical help;
- given the opportunity to be examined by a physician; and/or
- encouraged to attend post-incident counseling, if appropriate.

#### **4.11 Workplace Violence Training**

RTAM shall provide information, instruction and training on the factors that contribute to workplace violence and the risks of workplace violence to each employee that may be exposed to a risk of workplace violence.

RTAM shall provide information, instruction and training:

before assigning to an employee any new activity for which a risk of workplace violence has been identified;

when new information on workplace violence becomes available; and

at least every three years.

The information, instruction and training shall include the following:

the nature and extent of workplace violence and how employees may be exposed to it;

the communication system established by RTAM to inform employees about workplace violence;

information on what constitutes workplace violence and on the means of identifying the factors that contribute to workplace violence;

the workplace violence prevention measures that have been developed; and

RTAM's procedures for reporting on workplace violence or the risk of workplace violence.

Unless otherwise prohibited by law, in providing information, instruction and training on risks of violence, the information will include any information in RTAM's possession, including personal information, related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work. The personal information provided will be the minimum required to accomplish the purpose.

At least once every three years, and in either of the following circumstances, RTAM shall review and update, if necessary, the information, instruction and training provided:

when there is a change in respect of the risk of workplace violence; or

when new information on the risk of workplace violence becomes available.

RTAM shall maintain signed records, in paper or electronic form, on the information, instruction and training provided to each employee with respect to this policy.

Annually, RTAM will prepare a report that compiles the records of incidents of violence to a worker in the workplace (if any), the results of any investigation into an incident of violence, including a copy of investigation reports prepared and details of recommended and implemented control measures. This report will be provided to the workplace safety committee, or health and safety representative, or if there is neither, then to all employees of RTAM.

This training may or may not be provided to members, and such decision will be left to the Board.

#### **4.12 Steps to Eliminate or Minimize the Risk of Violence**

The following work areas and job functions have been identified as those where an incident of violence has occurred in the past, or where risks of violence could be reasonably expected to occur:

The RTAM Office is a place where members can have direct access to staff or volunteers. As staff are the ones who send updates about fees or changes to members, they are the ones who deal with direct complaints and concerns.

Due to the nature of our workplace, members know our address and could pursue a confrontation with the staff in the workplace. This would always occur at the front entrance and close to the reception desk.

An internal policy has been put in place for staff, which can be found in the staff lunch room. For privacy and security reasons, those details are not shared in this manual.

Safe work procedures have been developed to inform and train employees about the risks of violence identified above, and to identify the measures that will be used in an effort to eliminate or control those risks. The safe work procedures will be reviewed with all employees.

Documented safe work procedures on or relating to violence prevention include:

- All policies are available in the staff lounge and kitchen area.

These safe work procedures are integral to, and form a part of this policy.

#### **4.13 Emergency Procedures**

Employees and members should take all reasonable steps to protect their personal safety and remove themselves from a violent situation if possible.

Where a violent situation occurs or appears likely to occur, help should be summoned by call 911. If an internal emergency has presented itself, the staff will meet at one of two muster points:

If the threat is small in nature, the Hilton Lobby may be used as a muster point for staff.

Should the threat be significant to the building (1780 Wellington Avenue), then the muster point will be across the street at the Subway Sandwich store, directly across from RTAM.

Should there be a threat to the area, staff will be directed to return home or a safe alternate location, should that option be available. In such circumstances, staff must inform the Executive Director and President as to the location of the alternate muster point or safety site. Updates should be made by phone call, text and email to cover as many pathways as possible.

The Executive Director and/or a member of the Executive Committee must be notified immediately.

If a physical assault occurs, the police must be contacted.

### **PART III - NO RETALIATION**

#### **4.14 Retaliation Will Not be Tolerated**

Retaliation of any kind against employees or members who file discrimination, harassment, or violence complaints, or against those who participate in or give evidence in an investigation, will not be tolerated, and will be considered to have engaged in harassment themselves. Regardless of the outcome of a harassment or violence complaint made in good faith, retaliation or reprisals against the complainant, as well as anyone providing information is not acceptable, will be investigated and may be the subject of discipline up to and including dismissal from employment or expulsion from membership.

Malicious and deliberately false complaints will also result in disciplinary action up to and including termination of employment or expulsion from membership against the

complainant. Documentation of the false complaint may be placed in the complainant's personnel or membership file.

If, following an investigation, there is no evidence to support a complaint, no record will be kept in the file of the respondent. Where there is a finding to support a complaint, the written complaint, investigation findings, and corrective action (if any), will be recorded on the personnel or membership file of the respondent.

If it becomes apparent following investigation that any unfavourable performance reviews or comments were placed on a complainant's personnel file, or membership file, as a result of the harassment or violence, they will be removed from the file.

Should more information be required about this Policy, or you have any concerns about this Policy, please bring them to the attention of Senior Management, in particular, the Executive Director.