

Association of Manitoba Municipalities: 2018 Municipal Officials Seminar

Respectful Workplace for Elected Officials



Presented by: Kim Hunter and Todd Nadeau

People First HR Services

- Full firm HR Services
- Partnered with Association of Manitoba Municipalities in late 2017
- 'On-Call' Service available to all Municipalities
- Presenters:
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 - Kim Hunter, Senior Consultant

Outline for today's session

1. Defining Respectful Workplace
2. Legislated requirements for employers, and employees
3. Elected Officials: AMM Resolutions 04-2017 and 05-2017
4. Moving forward
5. Q & A

Every person has the right to equality,
dignity and respect.

Canadian Human Rights Act

The 'Platinum Rule'

- More than the 'Golden Rule'
- Not treating others how YOU wish to be treated.
- Respectful Workplace can be thought of as treating others how THEY wish to be treated.

‘Respectful Workplace’

- Umbrella term
- Inclusive of anti-harassment, anti-discrimination and anti-bullying policies and legislation
- Rooted in human rights law
- Federal and Provincial legislative requirements for all non-political employers and employees in Canada.
- Requirements vary slightly by province

Relevant legislation

- Manitoba Human Rights Code
- Canadian Human Rights Code
- Manitoba Workplace Safety and Health Act
- No specific relevance found within the Municipal Act at present

Defining harassment

Harassment can involve actions, conduct, displays or comments that humiliate, insult, intimidate, embarrass or demean an individual and which are unwelcome. *Includes:*

1. Discriminatory Harassment based on
 - Any of the prohibited grounds
 - Sexual Harassment
2. Personal Harassment and Psychological Harassment (bullying).

Prohibited grounds (MB/CAN)

Age	Physical size or weight
Ancestry, including colour & perceived race	Ethnic background or origin
Gender identity, gender-determined characteristics or circumstances	Sex, including pregnancy, the possibility of pregnancy or circumstances related to pregnancy
Nationality, national origin or citizenship	Physical or mental disability
Political belief, political association or political activity	Record of offences or a conviction for which a pardon has been granted
Religion, religious belief, religious association or religious activity	Marital or family status
Sexual orientation	Source of income, including funding, financial or economic status

Discriminatory harassment



- Prohibited Grounds
- Includes the denial of an opportunity, benefit, or advantage (such as a job, promotion, service, or housing)
- It is not about intent – it is about the effect on the person.

Sexual harassment

Manitoba Human Rights Code states:

- Sexual harassment is harassment based on sex, or creating or permitting sexualized or sexually charged, negative work atmosphere
- Sexual harassment usually occurs where there is a *power imbalance* between the people involved

Personal & psychological harassment

In Manitoba, the requirements are broader than the criteria contained within the Federal CHRA. In addition to discrimination and sexual harassment, employers are responsible to prevent bullying (personal and psychological harassment).



Personal harassment (bullying)


- Any repeated or severe actions or displays that adversely affects an individual's psychological or physical well-being if it could *reasonably* cause a worker to be **humiliated** or **intimidated**
- In the case of an isolated incident, harassment is severe conduct which has a lasting harmful effect on the individual



Personal harassment (bullying)

“I’ve learned that people
will forget what you said,
people will forget what you did,
but people will never forget
how you made them feel.”

Maya Angelou
1928 - 2014

 half the sky
movement



Province of Manitoba

*All employers under provincial jurisdiction in Manitoba are **legally required** to:*

- Have a formal written Respectful Workplace in place that has been ***developed in consultation with employee representative(s)***.
- Policy must include a set of required statements, and information on processes.
- All staff must be trained on this Respectful Workplace policy, and it must be posted.

Manitoba Respectful Workplace policy must include these statements:

- Every employee is entitled to work free of harassment
- The employer must ensure, as much as is practical, that no employees are subjected to harassment in the workplace
- The employer will take corrective action regarding any employee who harasses another employee
- Employees have the right to file a complaint with the MB Human Rights Commission
- The employer's harassment prevention policy isn't intended to discourage or prevent complainants from exercising any other legal rights under any other law.

Manitoba policy continued

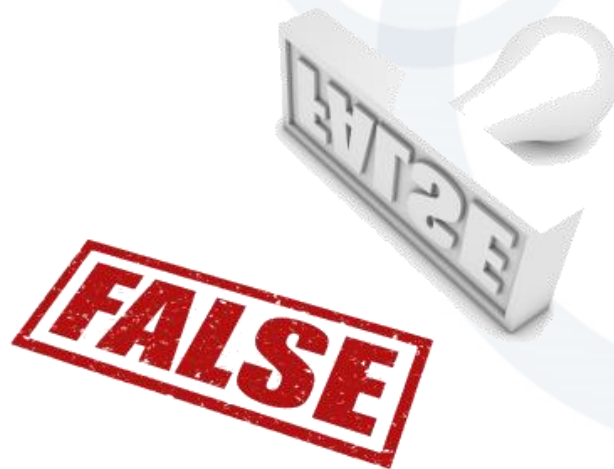
- The employer will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to anyone, except where disclosure is:
 - Necessary to investigate the complaint or take corrective action or
 - Required by law

Policy must also provide information on:

- How to make a harassment complaint,
- How the complaint will be investigated and,
- How the complainant will be informed of the results of the investigation.

Definition: 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 ***are not*** harassment.



Harassment is not...

- Day-to-day management or supervisory decisions involving work assignments, workplace assessments, and implementation of appropriate dress codes, provided they are carried out in a manner that is reasonable and not abusive
- Physical contact necessary for the performance of the work using accepted industry standards
- Occasional misunderstandings, thoughtlessness or poor communications

Harassment is not...

- Consensual banter or conduct, or romantic relationships, where the people involved and others do not find it offensive or unwelcome and consent to what is happening,
- Conflict or disagreements in the workplace that are not based on one of the prohibited grounds and would reasonably be considered as acceptable within a workplace setting.

When conflict becomes bullying or disrespect...





Elected Officials and Respectful Workplace

AMM resolutions & options moving forward

Resolutions introduced by AMM members

- AMM Resolution 04-2017: Respectful and Safe Work Environment -
- AMM Resolution 05-2017: Workplace Anti-Harassment
- Will align elected officials more closely with requirements of legislation.
- Including affording elected officials protections of the Workplace Safety and Health Amendment Act
- Brings more in line with Legislative Assembly

Manitoba Legislative Assembly

Two policies for Respectful Workplace

- 1. Manitoba Legislative Assembly Respectful Workplace and Harassment Prevention policy:**
Applies to all political and non-political employees of the Manitoba Legislative Assembly regardless of employment status.

Manitoba Legislative Assembly

- 2. Manitoba Legislative Assembly Policy on Addressing Harassment:** Applies only to the interaction between Members of the Legislative Assembly.

Code of Conduct: YWG, Feb 2018

All Members have a duty to treat members of the public, one another, City staff and their own staff with respect and without abuse, harassment, or intimidation.

- Defines Harassment
- Defines Bullying
- Defines Sexual Harassment.
- *“While Members may passionately debate issues and promote ideas, they must maintain proper decorum during meetings of: Council, Committees of Council, and boards, agencies or commissions on which they serve as part of their duties of office”.*

Code of Conduct: YWG, Feb 2018

- *The goal of a Code of Conduct is to create and support an ethical environment with respect to how Members of Council perform their duties of office, and extends to creating an ethical environment between City Council and staff.*
- *This Rule recognizes that all persons must be treated fairly in the workplace in an environment which is free from discrimination and personal and sexual harassment.*
- *The City's Respectful Workplace Policy does not apply to Members of Council. It is, therefore, important to identify in this Code, what constitutes acceptable conduct for Members.*

In closing

- Gap exists in standards of accountability for elected officials
- Awareness by AMM members – Resolutions 04/05
- Opportunity for consistent application of code of conduct (stop-gap?)
- Very positive strides forward



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