

Preventing Workplace Harassment

What is harassment?

Manitoba Workplace Safety and Health Regulation M.R. 217/206 defines harassment as:

(a) objectionable conduct that creates a risk to the health of a worker

or

(b) severe conduct that adversely affects a worker's psychological health or physical well-being.

Conduct is considered to be objectionable if it is based on race, creed, religion, colour, sex, sexual orientation, gender-determined characteristics, marital status, family status, source of income, political belief, political association, political activity, disability, physical size or weight, age, nationality, ancestry or place of origin.

Conduct is considered to be severe if it could reasonably cause a worker to be humiliated or intimidated and is repeated, or in the case of a single occurrence, has a lasting, harmful effect on the psychological well-being of a worker.

The objectionable or severe conduct, as noted above, includes a written or verbal comment, a physical act, gesture or display, or any combination of these.

It is important to note that the reasonable, day-to-day conduct of an employer or supervisor in managing, guiding or directing workers or the workplace is not harassment. Appropriate employee performance reviews, counselling and discipline by a supervisor or manager; being assigned a reasonable workload that considers skills and expertise; or layoffs and downsizing caused by restructuring is not harassment.

What are my responsibilities?

Workers, supervisors and employers all have a responsibility to not harass anyone in the workplace.

Employers must develop a written policy to prevent harassment in the workplace and must make sure that workers follow this policy. In developing the policy, employers must consult the workplace safety and health committee or representative. If there is no committee or representative, the workers must be consulted.

The written harassment prevention policy must be posted in the workplace in a place where it will be easy for everyone to see.

(see next page)

SAFE Work Manitoba contact information:

Winnipeg: 204-957-SAFE (7233)

Toll-Free: 1-855-957-SAFE (7233)

Publications and resources available at: safemanitoba.com



What must be in the harassment prevention policy?

The harassment prevention policy must include the following statements:

- Every worker is entitled to work free of harassment.
- The employer must ensure, so far as is reasonably practicable, that no worker is subjected to harassment in the workplace.
- The employer will take corrective action respecting any person under the employer's direction who subjects a worker to harassment.
- The employer will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is
 - necessary to investigate the complaint or take corrective action with respect to the complaint, or
 - required by law.
- A worker has a right to file a complaint with the Manitoba Human Rights Commission.
- The employer's harassment prevention policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.

The harassment prevention policy must also provide information on:

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

Reference to legal requirements under workplace safety and health legislation:

- *Manitoba Workplace Safety and Health Regulation 217/2006 Part 10*
- *Manitoba Workplace Safety and Health Regulation M.R. 217/206*

Additional workplace safety and health information available at: safemanitoba.com

- Guideline for Preventing Violence and Harassment in the Workplace
- Sample Harassment Prevention Policy

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