



POLICY: Respectful Workplace and Harassment Prevention		POLICY NUMBER: Pending
		PREVIOUS/REPLACES: Harassment BJN, BJN-P (Procedures), Harassment, Harassment Complaint (2009)
APPROVED BY: Executive Council	EFFECTIVE DATE AS OF: June 14, 2016	PRIOR VERSIONS: October 9, 2013 March 3, 2009

1. Policy Statement

Manitoba Institute of Trades and Technology (to be referred to as the “Institute”) is committed to a collegial work environment in which all individuals are treated with respect and dignity. Each individual employee and student has the right to work and learn in an environment that is respectful and where equal opportunities are promoted and where discriminatory practices and harassment are prohibited.

The Institute prohibits all forms of harassment, including those specifically described below. Harassment may also constitute a form of discrimination and is prohibited by law. The Institute will not tolerate any harassment engaged in by any employees and/or students.

The Respectful Workplace and Harassment Prevention Policy (the “Policy”) is intended to inform all students, employees, and members of the Governing Board of the Institute’s policy regarding sexual harassment, psychological harassment and other types of harassment and about the responsibilities of all students and employees.

A student or employee who believes s/he is being harassed by a person in a position of authority, a student, a co-worker or by any other person affiliated with the Institute, should follow the procedures set forth in the Harassment Complaint and Investigation Procedure.

2. Scope

This policy applies to all forms of harassment, including sexual harassment, psychological harassment and harassment based on legally prohibited grounds. It applies to a relationship between or among any of the following: students, employees, Managers and Governing Board Members, regardless of their position, hierarchical level or status.

3. Procedures

3.1 DEFINITIONS

“Harassment” means any objectionable conduct, comment or display at, or towards, a student or employee which creates a risk to the health of the employee or student. Harassment includes:

- (a) Harassment based on prohibited grounds, which includes harassment based on grounds of ancestry, colour, race, nationality, ethnicity or place of origin, religion, creed, age, sex, sexual orientation, gender-determined characteristics, family status, marital status, source of income, political belief, physical or mental disability; physical size or weight; and
- (b) Sexual harassment, which includes offensive or humiliating behavior based on a person’s sex; behavior of a sexual nature that creates an intimidating, hostile or poisoned work environment; or behavior that could be reasonably thought to put sexual conditions on a person’s job or academic opportunities. Examples include: questions and discussions about a person’s sexual life; persisting in asking for a date after having been refused; writing sexually suggestive letters/notes or emailing sexual jokes; and
- (c) Psychological harassment, which includes bullying or abuse of authority which creates a risk to the health of another student or employee. This type of harassment consists of a single instance or repeated instances of objectionable and unwelcome comments or conduct directed at another person which serves no legitimate purpose and has the effect of interfering with the other person’s work or academic performance or creating an intimidating, humiliating or hostile environment.

The illustrations of unacceptable behavior outlined in the above sections are provided as examples of what may constitute prohibited harassment under this Policy. Since it is impossible to anticipate every possible situation, these examples are by no means exhaustive, and other forms of behavior may be regarded as prohibited harassment under this Policy.

3.2 WHAT DOES NOT CONSTITUTE HARASSMENT

To understand the types of conduct that may not constitute harassment, the following examples are offered:

- (a) The exercise of normal management or supervisory activities does not constitute harassment. Normal management of discipline, work or academic performance or absenteeism, and the assignment of tasks constitute the legitimate exercise of management rights. These actions do not constitute psychological harassment as long as the rights are not exercised in an abusive or discriminatory manner.

- (b) Difficult conditions of employment, professional and academic requirements, academic and/or job related stress and organizational changes that are justifiable on an economic or technological basis where they affect employees and/or students in a manner that is not arbitrary.

3.3 PLACES WHERE HARASSMENT MAY OCCUR

For the purpose of this Policy, harassment may occur, not only in the premises of the Institute but also anywhere else as a result of employment or academic responsibilities such as outside assignments, work or study related travel, or student and/or employment related social events.

3.4 EMPLOYEES/STUDENTS/INSTITUTE RESPONSIBILITIES

- Employees and students are responsible to treat others with respect and dignity, and to speak up if they, or others, are being harassed.
- Employees and students are responsible for working together in a professional manner and resolving issues in a respectful manner.
- Employees and students are responsible to report incidents of harassment to their Manager and/or the Institute.
- Employees and students must cooperate in an investigation of harassment. Any employee or student who gives evidence or information during an investigation or is involved in the process, must keep the information confidential, except as necessary to effectively deal with the issue.
- The Institute is responsible for creating a safe work and learning environment, free from harassment.
- The Institute must ensure, as much as is reasonably practical, that no employee or student is subjected to harassment.

The Institute will take corrective action with anyone under its direction who subjects an employee or student to harassment.

3.5 TIMEFRAMES

A complaint of harassment should be made within six months of the alleged harassment. In exceptional circumstances, the time limitation may be extended at the direction of the President.

3.6 WHAT TO DO IN THE EVENT OF HARASSMENT

If an employee or student feels that they are or have been the victim of harassment, the employee or student may notify the person responsible for the conduct if they feel comfortable doing so and request that it stop immediately. The Institute recognizes that, while in some circumstances this may be difficult, in many situations it will be the most effective method of eliminating the problem.

If an employee or student does not wish to bring the matter directly to the attention of the person responsible, or where such an approach is attempted and does not produce a satisfactory result, the employee or student may choose to consult with an appropriate representative of the Institute to discuss any concerns with a view to resolving the situation.

In the case of an employee, it is suggested that the employee consult with the Director of Human Resources for the purpose of receiving advice and assistance with a view to resolving the situation informally.

In the case of a student, it is suggested that the student consult with the Dean Academic or Principal for the purpose of receiving advice and assistance with a view to resolving the situation informally.

3.7 HARASSMENT COMPLAINT AND INVESTIGATION PROCEDURE

Many complaints are resolved without a formal investigation. An informal process is encouraged if it brings about a timely resolution to the satisfaction of the parties. If informal attempts by the employee or student prove ineffective or are not feasible or appropriate, a formal complaint and investigation is required. The procedures are as follows:

Report the Complaint

A complaint shall be provided in written form, with a summary of the allegations, and shall be submitted to the President or designate. In the event that the President is directly involved in the subject matter of the complaint, the complaint shall be submitted to the Chair of the Board of Directors. Any complaint should contain a brief account of the offensive incident(s), when it/they occurred (including the date and time of day), the person(s) involved, and the names of witnesses, if any. The report should also include the remedy sought by the complainant and be signed and dated by the complainant.

Attempted Mediation

Depending on circumstances, it is often possible to resolve the matter without further investigation. With the consent of the complainant and the person accused, the Institute may attempt to mediate a settlement of a complaint at any point prior to or during an investigation. Any settlement would have to be satisfactory to both the complainant and the person accused.

Investigation

The investigation shall be conducted by the President or designate, which investigation will be conducted and completed as soon as reasonably practical following receipt of a written complaint. In the event that the President is directly involved in the subject matter of the complaint, the investigation will be conducted and completed by the Chair of the Board of Directors. The investigation may include the following components:

- (a) a meeting with the complainant to review the complaint and to seek any such clarification as needed;
- (b) a meeting with the person(s) alleged to have violated this Policy for the purposes of communicating the allegation and receiving his/her version of events (which may be requested in writing);
- (c) collection of all relevant evidence; and
- (d) interviews with and/or receipt of written submissions from all witnesses the Institute considers to be material.

In exceptional circumstances where there is a danger of imminent harm, the Institute may act immediately by taking such reasonable steps to prevent imminent harm, as the circumstances dictate.

3.8 RESULTS OF INVESTIGATION

Upon completion of the investigation, the Institute shall prepare a written report summarizing the investigation findings and recommending corrective action, if necessary. The Institute shall administer any discipline as warranted by the circumstances.

Where the investigation results in a finding that the complaint of harassment is substantiated, the outcome of the investigation and any disciplinary action will be reported to the individuals concerned and recorded in the Institute's records relating to the offender. Where the investigation results in a finding that the complaint of harassment is not justified, all record of the complaint shall be removed from the Institute's records relating to the person against whom the complaint was made.

3.9 DISCLOSURE OF COMPLAINT INFORMATION

All information provided by the complainant, including the name of a complainant, shall be kept confidential unless otherwise required by law, or necessary to investigate the complaint or take corrective action with respect to the complaint.

If any information about the complaint or complainant is required to be disclosed in accordance with this Policy, such disclosure shall be the minimum amount required to accomplish the purpose for which disclosure is required.

If the investigation concludes that the complaint is substantiated, no information shall be placed in the complainant's file. If the complaint is found to be frivolous or malicious, the complaint and the results of the investigation will be placed in the complainant's file.

3.10 FALSE AND MALICIOUS ACCUSATIONS

False and malicious accusations of harassment will be severely dealt with and may result in disciplinary action, up to and including termination of employment or academic standing.

3.11 RETALIATION

Any employee or student who retaliates or threatens to retaliate against any person who has complained of harassment, given evidence in an investigation, or been found guilty of harassment, will be considered to have violated this Policy and will be disciplined accordingly. Retaliation of any kind will be severely dealt with and may result in disciplinary action, up to and including termination of employment or academic status.

3.12 REMEDY FOR THE VICTIM OF HARASSMENT

Any employee or student who, after an investigation, is determined by the Institute to have suffered from harassment, may be entitled to a remedy, depending on the severity and circumstances of the harassment.

3.13 OTHER REMEDIES NOT PRECLUDED

Notwithstanding the existence of this Policy and its procedures, every employee or student of the Institute continues to have the right at any time to seek assistance from the Manitoba Human Rights Commission, seek redress under the Criminal Code of Canada, or to seek any other statutory or civil remedy that may be available, whether or not steps are being or have been taken under this Policy.

3.14 PROCEDURE WHERE A PERSON BELIEVES THAT A COLLEAGUE HAS BEEN HARASSED

If an employee or student believes that a colleague or fellow student has experienced or is experiencing harassment (or retaliation), the employee or student should report this belief to the Institute.

3.15 HARASSMENT BY THIRD PARTIES

An employee or student who considers that s/he has been subjected to harassment by a person who is not an employee or student of the Institute, should report the alleged harassment to the Institute.

3.16 HARASSMENT BY EMPLOYEES TO THIRD PARTIES

It is prohibited for an employee or student to engage in any form of harassment contemplated by this Policy towards another employee or student or towards any other person with whom the Institute does business, including employees or students of an affiliated Institute. Any such behavior may result in disciplinary action, up to and including termination of employment or academic status.

3.17 CONFIDENTIALITY

All reported incidents of any kind of harassment will be investigated. The Institute is aware of the sensitive nature of issues relating to harassment. Accordingly, each investigation of any complaint will be conducted in a confidential manner with the findings communicated only to the appropriate parties.

It is equally important that all other persons, including the complainant, the person against whom a complaint is made, and anyone involved, maintain confidentiality. An employee or student who makes a complaint has the right to be accompanied by a person of his/her choice when meeting with the Institute to address matters contemplated by this Policy. All records relating to any complaint are confidential, unless required to be disclosed for investigation purposes, the disciplinary process or by law.

3.18 INFORMATION TO WORKERS

The Institute shall post a copy of this Policy on the bulletin board at the Institute's premises. The Institute shall, as soon as practicable after a new employee has been hired or student was been accepted, provide such new employee or student with a copy of this Policy.

4. Administration:

The President and CEO of the Institute is responsible for ensuring that this Policy is adhered to.

5. Review:

The Institute shall review this Policy in accordance with the requirements of *The Workplace Safety and Health Act (Manitoba)*, as amended from time to time. The Policy will be reviewed at a minimum in 5 years by Executive Council.

6. References:

The Workplace Safety and Health Act (Manitoba)
Workplace Safety and Health Regulation (Manitoba)
Human Rights Code (Manitoba)
Violence Policy