



POLICY:		POLICY NUMBER: <b>CC-2</b>
<b>Respectful Workplace, Harassment Prevention and Non-Discrimination</b>		PREVIOUS/REPLACES: <b>Respectful Workplace and Harassment Prevention Non-Discrimination</b>
		PRIOR VERSIONS: <b>May 29, 2019 November 23, 2017 June 14, 2016 October 9, 2013</b>
APPROVED BY:  <b>Executive Council</b>	EFFECTIVE DATE AS OF:  <b>November 18, 2021</b>	

**1. Policy Statement**

Manitoba Institute of Trades and Technology (to be referred to as MITT) is committed to a collegial work environment in which all individuals are treated with respect and dignity. All members of the MITT community (see scope of the Policy) have the right to work and learn in an environment that is respectful, where equal opportunities are promoted and where discriminatory practices and harassment are prohibited. The principles of equity, diversity and inclusion shall be integrated into everyday practice at MITT.

MITT prohibits all forms of harassment including discrimination and adheres to the Human Rights Code of the Province of Manitoba. MITT will not tolerate any harassment or discrimination engaged in by any member of the MITT community.

The Respectful Workplace, Harassment Prevention and Non-Discrimination Policy (the “Policy”) is intended to inform all members of the MITT community of MITT’s policy regarding psychological harassment, other types of harassment, and discrimination including the responsibilities of all members of the MITT community.

Any member of the MITT community who believes they are being harassed or discriminated against by a person in a position of authority, a student, a co-worker or by any other person affiliated with MITT, should follow the procedures set forth in the Harassment /Discrimination Complaint and Investigation Procedure. All reported incidents of harassment and discrimination will be investigated in a manner that ensures due process as outlined in this policy. MITT will take appropriate action using a victim-centered approach. It is MITT’s intent to make individuals feel comfortable about making a report in good faith about any harassment or discrimination that they have been affected by or witnessed.



## 2. **Scope**

This policy applies to all members of the MITT community including but not limited to:

- All MITT employees including full-time, part-time, casual and contract;
- All MITT students including full-time and part-time secondary and post-secondary programs;
- All MITT Governing Board Members;
- Volunteers and visitors to MITT; and
- All other persons who provide goods, services or facilities on behalf of MITT.

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

Sexual harassment is a form of sexual violence and is covered by MITT's Sexual Violence Policy.

This policy is not intended to be used for incidents that involve violent behaviour as defined in MITT's Violence Prevention Policy. Such situations are covered under MITT's Violence Prevention Policy.

## 3. **Procedures**

### 3.1 **DEFINITIONS**

- a) “**Discrimination**” means intentional or unintentional differential treatment of an individual or group of individuals that has a negative impact without any reasonable cause that places that person(s) at a disadvantage where there is no reasonable justification, based on:
  - i. An individual's actual or presumed membership in or association with some class or group of persons, rather than on the basis of personal merit, or
  - ii. Any of the following protected characteristics:
    - Ancestry including colour and race;
    - Nationality or national origin;
    - Ethnic background or origin;
    - Religion or creed;
    - Age;
    - Sex;
    - Gender identity;
    - Sexual orientation;
    - Marital or family status;
    - Same-sex partnership;
    - Source of income;
    - Political belief, political association or political activity;
    - Physical or mental disability;
    - Social disadvantage.



Types of Discrimination:

Discrimination can range from outright discriminatory statements such as using a racial epithet to more subtle behaviours that may be completely inadvertent. In some cases, the individual making the statement may have no idea that it is inappropriate. These more subtle forms of discrimination can still have a significant impact on the recipient. Some examples to help understand the more subtle forms of discrimination may include the following: removing a challenging assignment from an older employee simply because of their age or asking someone with an ethnic name if they can use a nickname because their given name is too difficult to pronounce.

Often these more subtle forms of discrimination may be resolved using an informal process where dialogue in a respectful manner occurs between the parties focusing on education and sharing why the behaviour was felt to be inappropriate. This is the recommended method to deal with such issues and should be attempted before engaging in the formal reporting process outlined in Sections 3.7 and 3.8. In such cases, the complainant is not required to report such interactions if they feel the respondent has become aware of the concern and is committed to not repeating it.

- b) **“Diversity”** refers to the unique dimensions, qualities and characteristics that individuals possess such as different sex, gender, race, age, ethnicity, religion, sexual orientation, etc.
- c) **“Equity”** is the fair treatment, access, opportunity, and advancement for all people, while at the same time striving to identify and eliminate barriers that have prevented the full participation of some groups.
- d) **“Harassment”** means any objectionable conduct, comment or display at, or towards, a member of the MITT community which creates a risk to the health of the individual.

Harassment includes:

- i. Harassment based on prohibited grounds as detailed above in section a subsection ii., and
- ii. 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 (sexual harassment is a form of sexual violence and is covered by MITT’s Sexual Violence Policy); and
- iii. Psychological harassment, which includes bullying or abuse of authority which creates a risk to the health of another member of the MITT community. 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.

- e) **"Inclusiveness"** refers to an environment that is responsive to the needs of all, acknowledges and respects diversity and does not discriminate or treat people unfairly because of individual differences.

The illustrations of unacceptable behavior outlined in the above sections are provided as examples of what may constitute prohibited harassment/discrimination 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/discrimination 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.
- (c) Consensual banter or romantic relationships where the people involved consent to what is happening, is not harassment.
- (d) The discussion of legitimate issues which may include differing views of opinion in a respectful tone does not constitute harassment.

### **3.3 PLACES WHERE HARASSMENT/DISCRIMINATION MAY OCCUR**

For the purpose of this Policy, harassment and/or discrimination may have deemed to have occurred, not only in the premises of MITT 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 RESPONSIBILITIES OF THE MEMBERS OF THE MITT COMMUNITY**

- Members of the MITT community are responsible to treat others with respect and dignity, and to speak up if they, or others, are being harassed or discriminated against.
- Members of the MITT community are responsible for working together in a professional manner and resolving issues in a respectful manner.
- Members of the MITT community are responsible to report incidents of harassment to their Manager/Instructor and/or MITT.
- Members of the MITT community must cooperate in an investigation of harassment or discrimination. Any member of the MITT community 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.
- MITT is responsible for creating a safe work and learning environment, free from harassment and discrimination.
- MITT must ensure, as much as is reasonably practical, that no member of the MITT community is subjected to harassment and discrimination.
- MITT will take corrective action with anyone under its direction who subjects any member of the MITT community to harassment or discrimination.

### **3.5 RESPONSIBILITY OF MITT MANAGEMENT**

In addition, to the responsibilities detailed in section 3.4, MITT management is responsible to ensure that any incident involving harassment or discrimination is dealt with promptly and follows all procedures in this policy. Managers who ignore harassment or discrimination may be subject to disciplinary action and could face legal responsibility.

### **3.6 TIMEFRAMES**

A complaint of harassment or discrimination should be made within twelve months of the alleged harassment/discrimination to help with the investigative phase of the incident. However, if it is past the deadline, and there are exceptional circumstances, the time limitation may be extended at the direction of the President, or designate.

### **3.7 WHAT TO DO IN THE EVENT OF HARASSMENT OR DISCRIMINATION**

If a member of the MITT community feels that they are or have been subject to harassment or discrimination, the individual may notify the person responsible for the conduct if they feel comfortable doing so and request that it stop immediately. MITT 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 the individual 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 individual may choose to consult with an appropriate representative of MITT 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 their manager and if this is not possible or they do not feel comfortable, then to consult with People Services 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 their instructor and if this is not possible or they do not feel comfortable, then with the Dean, Director, Principal or Equivalent for the purpose of receiving advice and assistance with a view to resolving the situation informally.

In the case of the President, the individual should consult with the Chair of the Board.

In the case of a Board Member, the individual should consult with the Chair of the Board. If the incident involves the Chair, the Chair should consult with the Vice Chair or designate.

### **3.8 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 member of the MITT community 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. The 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.

For incidents involving MITT staff, volunteers, contractors, or visitors reports can be made to a Supervisor, Manager, or any member of the People Services (PS) Team. Any incident that pertains to a MITT staff member must be forwarded to PS.

For incidents involving MITT students, reports can be made to the appropriate Instructor or any member of the MITT Students Services Department. If a staff member is involved PS must also be informed. In a situation where the student is under 18 years of age, MITT will notify parents/guardians of any act of harassment or discrimination.

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.



For incidents involving any member of the Governing Board, the Chair of the Board shall be notified. In the event the Chair is directly involved in the incident, the report shall be submitted to the Vice Chair or designate. Depending on the nature of the incident, notifications may be needed to PS and or/or the Province of Manitoba.

#### *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, MITT 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*

MITT respects and supports the person's choice of whether or not to pursue an investigation. Wherever possible, any person who has experienced harassment/discrimination will retain control on how the file is handled by MITT. However, MITT has an obligation to protect the Institute from harm and reserves the right to initiate an investigation even without the consent of the complainant if there is a potential safety risk or if required by law. In such a case, the complainant will be notified of the investigation.

The President of MITT is committed to nurturing a climate that promotes a respectful workplace. The President has designated People Services to lead the investigation for any complaints involving staff, volunteers, independent contractors, and visitors to MITT, and for the Vice-President, Academics in conjunction with MITT Student Services to lead the investigation for any complaints involving students. External consultants may be retained to help with the investigation.

In a situation where the investigator is the subject of the complaint, the investigation shall be conducted by the President and other members of MITT as required.

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 Chair of the Board will lead the investigation for any complaints involving Board Members, and the Vice Chair will lead the investigation in the event the Chair is directly involved in the incident.

The investigation will be conducted and completed as soon as reasonably practical following receipt of a written complaint.

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 their 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 MITT considers to be material.

The investigation will consider both the intent of the actions of the person being investigated and the impact those actions had on the complainant.

Any individual who makes a complaint has the right to be accompanied by a person of their choice when meeting to address matters contemplated by this Policy. This person is for support and to act as an observer and will provide information only if requested by MITT.

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

### **3.9 RESULTS OF INVESTIGATION**

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

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

### **3.10 CONFIDENTIALITY AND DISCLOSURE OF COMPLAINT INFORMATION**

MITT is aware of the sensitive nature of issues relating to harassment and discrimination. Accordingly, each investigation of any complaint will be conducted in a confidential manner with the findings communicated only to the appropriate parties. All information provided by the complainant, including the name of a complainant, shall be kept confidential other than where the disclosure is:

- necessary in order to investigate the complaint;
- required in order to take corrective action with respect to the complaint;
- required by the law.

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.



MITT will ensure compliance with *The Freedom of Information and Protection Privacy Act (FIPPA)*, *the Personal Health Information Act (PHIA)*, and MITT's Privacy and Access to Information Policy. The complainant shall be awarded full protection of all applicable statutes.

It is equally important that all other person, including the victim, the person against whom a complaint is made, and anyone involved maintain confidentiality.

### **3.11 DISCIPLINARY ACTION**

Any individual who is found to be in breach of the Respectful Workplace, Harassment Prevention and Non-Discrimination Policy will be subject to disciplinary action as follows:

a) Incident Involves MITT Staff

Where the individual is a MITT staff member the discipline will be implemented in accordance with the Relationships and Boundaries with Students Policy, Code of Conduct and Staff Ethics Policy, Off-Duty Conduct by Employees Policy, Progressive Discipline Policy, and any applicable collective agreements.

b) Incident Involves Students

Where the individual is a student, the discipline will be implemented in accordance with the Student & MITT Expectations Policy, the Student Discipline Policy and the Student Behavior Policy. The ages of the students involved in a disciplinary issue or incident may be taken into account.

c) Incident Involves a Governing Board Member

Where the individual is a Governing Board Member the discipline will be implemented in accordance with the Complaints to the Board or Individual Board Member Policy and the Board Code of Conduct/Board Confidentiality Policy.

The result of a formal complaint involving a Governing Board Member could lead up to and including a recommendation to the Provincial Government to remove the Member.

d) Incident Involves an External Stakeholder

Volunteers, contractors, suppliers and visitors who attend on campus will be subject to complaints of harassment if they engage in prohibited conduct. Where a complaint is substantiated, MITT will take appropriate actions. The Associate Vice-President, Finance & Campus Services or designate will make any determination regarding the individuals continued access to MITT in accordance with the following policies.



Where an incident involves a volunteer, the Staff Ethics and Code of Conduct Policy would apply. The result of a formal complaint could result up to and including the permanent termination of all volunteer activities at MITT.

Where an incident involves a contractor a formal complaint could lead up to and include the termination of the contract. All contractual relationships will be governed by a standard contract that includes a right of termination clause.

Where an incident involves an external supplier a formal complaint could lead up to the termination of the individual whom the complaint was about, or the termination of all business dealings with the supplier.

Where an incident involves a visitor, a formal complaint could result up to and including the permanent loss of visiting rights to any MITT facility.

### **3.12 FALSE AND MALICIOUS ACCUSATIONS**

False and malicious accusations of harassment and discrimination will be severely dealt with. The complaint and the result of the investigation will be placed in the complainant's file. Such accusations may result in disciplinary action, up to and including termination of employment or academic standing.

### **3.13 RETALIATION**

Any member of the MITT community who retaliates or threatens to retaliate against any person who has complained of harassment or discrimination, given evidence in an investigation, or been found guilty of harassment or discrimination, 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.

### **3.14 REMEDY FOR THE VICTIM OF HARASSMENT**

Any member of the MITT community who, after an investigation, is determined by MITT to have suffered from harassment or discrimination, may be entitled to a remedy, depending on the severity and circumstances of the harassment. Some examples could include reimbursement of lost wages due to the incident, financial support for healthcare needs as a result of the incident, and a letter of apology. These are only examples and each incident would be evaluated on a case-by-case basis.



### ***3.15 OTHER REMEDIES NOT PRECLUDED***

Notwithstanding the existence of this Policy and its procedures, every member of the MITT community 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.

### ***3.16 PROCEDURE WHERE A PERSON BELIEVES THAT A COLLEAGUE HAS BEEN HARASSED/DISCRIMINATED AGAINST***

If a member of the MITT community has witnessed direct harassment/discrimination (or retaliation) towards any member of the MITT community the individual should report this belief to MITT.

### ***3.17 HARASSMENT OR DISCRIMINATION BY THIRD PARTIES***

A member of the MITT community who considers that they have been subject to harassment or discrimination by a person who is not an employee or student of MITT, should report the alleged harassment/discrimination to MITT.

### ***3.18 HARASSMENT OR DISCRIMINATION BY EMPLOYEES TO THIRD PARTIES***

It is prohibited for a member of the MITT community to engage in any form of harassment or discrimination contemplated by this Policy towards another member of the MITT community or towards any other person with whom MITT 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.

### ***3.19 INFORMATION TO WORKERS***

MITT shall post a copy of this Policy on the website. MITT shall, as soon as practicable after a new employee has been hired or student has been accepted, provide such new employee or student with a copy of this Policy.

## **4. Administration:**

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



## 5. Review:

MITT 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:

Legislation:

*Human Rights Code (Manitoba)*

*The Freedom of Information and Protection of Privacy Act and Regulations*

*The Personal Health Information Act and Regulation*

*The Workplace Safety and Health Act (Manitoba)*

*The Workplace Safety and Health Regulation (Manitoba)*

Policies:

Code of Conduct & Staff Ethics Policy

Off-Duty Conduct by Employees

Progressive Discipline

Privacy & Access to Information

Relationships and Boundaries with Students

Sexual Violence Policy

Student Discipline Policy

Student Behaviour Policy

Student & MITT Expectations

Violence Prevention Policy