



Overview of the Resolution Process for Addressing Inappropriate Behaviour

A tool to support the Manitoba Legislative Assembly
Respectful Workplace Policy: Addressing and Preventing
Sexual Harassment, Harassment and Bullying

This information is available in alternate formats upon request.

Introduction

This tool provides supplemental information to the Manitoba Legislative Assembly Respectful Workplace Policy: Addressing and Preventing Sexual Harassment, Harassment and Bullying. Within the policy, three general steps to resolve inappropriate behaviour are listed:

- 1) Assessing the options available
- 2) Addressing inappropriate behaviour (using informal or formal resolution)
- 3) Ensuring workplace restoration

The purpose of this tool is to provide additional detail related to the above three steps, including:

- Examples of inappropriate behavior
- A more detailed description of informal and formal resolution options
- Further information about workplace restoration

This tool may be used whether inappropriate behaviour is exhibited by an employee, supervisor, Member, contractor, client (e.g. member of the public) and/or political staff.

Step 1: Assessing the Options Available

The chart below provides examples demonstrating a spectrum of behaviour, where on one end of the spectrum employees engage in positive and respectful behaviour, and on the other end of the spectrum employees engage in harassment/bullying, sexual harassment, or workplace violence. Note: The examples listed are not intended to be an exhaustive list. The chart on the next page notes whether informal or formal resolution is typically recommended to resolve the concern.

Respectful Behaviour Examples	Disrespectful Behaviour Examples (less severe than harassment)	Harassment/Bullying Examples (often targeted & repeated)	Sexual Harassment Examples (harassment based on sex, gender or sexual orientation)	Workplace Violence Examples
<ul style="list-style-type: none"> • Listens and allows others to speak • Is civil and polite • Is supportive/cooperative • Is inclusive • Constructively/professionally expresses differences of opinion • Respects professional boundaries <p>Supervisors: The following are examples of appropriate supervisor functions, as long as they are carried out in good faith and in a respectful and professional manner:</p> <ul style="list-style-type: none"> • Direct supervision, including discussions about performance expectations and constructive feedback about work performance • Assignment of work, and direction on how it is to be accomplished • Requests by supervisors for updates or status reports • One-on-one discussions between supervisors and their staff • Approval or denial of time off • Taking reasonable disciplinary actions where needed 	<ul style="list-style-type: none"> • Interrupts • Is rude • Causes some concerns with language • Makes unprofessional jokes/is sarcastic • Gossips • Exhibits other subtle disrespectful behaviours (minor digs/jabs) <p>Note: Minor concerns such as forgetting to clean a microwave, employing a naturally louder voice/tone are not initially addressed through this policy. An employee can still be spoken to about these concerns. If minor concerns continue after an employee is spoken to, it may then be viewed as disrespect.</p>	<ul style="list-style-type: none"> • Displays ongoing and targeted hostility or put-downs towards another individual • Makes derogatory remarks/jokes, or displays offensive pictures/posters, or sends emails/texts that put down any characteristic referenced in subsection 9(2) of <i>The Human Rights Code</i> • Uses intimidation (yells/gets within someone’s personal space), or retaliation • Repeatedly humiliates an employee or spreads rumours to ruin their reputation • Abuses authority impacting an employee’s performance or job (e.g. purposely and repeatedly withholding resources necessary to succeed, sabotaging, repeatedly singling out an employee and assigning demeaning jobs that are not part of their regular job duties) • Exhibits disrespectful behaviours that have not improved or have gotten worse after being spoken to 	<ul style="list-style-type: none"> • Makes abusive, derogatory remarks/jokes that put down one’s gender, gender identity or gender expression, sex, or sexual orientation (e.g. homophobic/transphobic remarks) • Gossips about an employee’s sexual activities or spreads sexual rumours • Sends inappropriate electronic communications (e.g. sexually explicit emails or texts) or other materials sexual in nature (e.g. posters, calendars) • Makes unwelcome sexual advances that may or may not be accompanied by promises or threats, explicit or implicit • Persistently asks someone out even after being turned down • Makes inappropriate physical contact (e.g. touching, patting, pinching, caressing, kissing, fondling)—Some forms of sexual harassment fall within the definition of sexual assault in the Criminal Code of Canada. • Makes other inappropriate contact (e.g. leering, invading personal space) • Demands sexual favours in return for a promise of a reward (e.g. promotion) • Abuses authority (e.g. soliciting a sexual or romantic relationship from subordinate, making social invitations with sexual overtones to a subordinate) 	<ul style="list-style-type: none"> • Threatens or exhibits physical violence • Threatens or engages in sexual assault • Stalks • Shares explicit images without consent • Makes verbal threats (e.g. threats to life) <p>The above examples may also be criminal offenses.</p>

Recommended Resolution Methods				
Resolution for Respectful Behaviour	Resolution for Disrespectful Behaviour	Resolution for Harassment/Bullying	Resolution for Sexual Harassment	Resolution for Workplace Violence
No resolution is required.	<p>Informal resolution is typically recommended. This can be a quicker, more effective method of resolving disrespect and/or issues of interpersonal conflict. Options include:</p> <ul style="list-style-type: none"> Communicating with the other person directly Resolving with the support of the supervisor or another level of management Resolving through a group meeting (anonymous) Resolving through mediation (third party) <p>Note:</p> <ul style="list-style-type: none"> If disrespectful behaviour continues after informal resolution is used, then formal resolution may be required. 	<p>Formal resolution is typically recommended.</p> <p>Complaints can be reported immediately to a reporting contact.</p> <p>Informal resolution can be considered in less severe cases.</p> <p>Complaints involving a Member of the Legislative Assembly or an Independent Officer:</p> <ul style="list-style-type: none"> Informal resolution may be considered in less severe situations with agreement of both the complainant and the respondent. If a formal complaint is raised it will immediately be assigned to an independent external investigator. The independent investigator will provide a report and findings to the Speaker of the Legislative Assembly. In the case of complaints against Members the findings of the investigation will be shared with the complainant, respondent and the caucus chair. 	<p>Formal resolution is recommended.</p> <p>Complaints can be reported immediately to a reporting contact.</p> <p>Note:</p> <ul style="list-style-type: none"> An informal approach is not appropriate in certain situations (e.g. where safety is a concern or where power dynamics create a barrier to addressing the situation). Informal resolution can be considered based on the complainant's preference after being advised of the different options. Supervisors <u>must</u> notify Human Resource Services of all complaints of sexual harassment. The following template is to be used to document the complaint. Complaint Form (Disclosure of Inappropriate Conduct) <p>Complaints involving a Member of the Legislative Assembly or an Independent Officer:</p> <ul style="list-style-type: none"> If a formal complaint is raised it will immediately be assigned to an independent external investigator. The independent investigator will provide a report and findings to the Speaker of the Legislative Assembly. In the case of complaints against Members the findings of the investigation will be shared with the complainant, respondent and the caucus chair. 	<p>If an employee finds themselves a victim of behaviour that is criminal in nature, they are encouraged to immediately report the issue to the appropriate law enforcement body.</p> <p>Formal resolution is also required if the inappropriate behaviour occurred at work. Human Resource Services must be contacted immediately.</p> <p>Complaints can be reported immediately to a reporting contact.</p>

Step 2: Addressing Inappropriate Behaviour

This section outlines how an employee can address inappropriate behaviour using either informal or formal resolution. If an employee is not comfortable addressing the situation informally, or for more severe forms of inappropriate behaviour (see reference chart above), then formal resolution should be considered. Please note the following important points:

If you observe inappropriate behaviour

Employees who witness inappropriate behaviour may also use informal or formal resolution options.

Documentation

Employees (including witnesses and supervisors made aware of concerns) are encouraged to document concerns and any action taken (e.g. dates, details of the incident/discussion, witnesses if applicable). Documentation may be helpful in the event that concerns continue and formal resolution is required.

A supervisor receiving a complaint of **sexual harassment** must document the complaint using the Complaint Form ([Disclosure of Inappropriate Conduct](#)) and report it immediately to Human Resource Services.

Requesting that no action be taken

A situation cannot be improved if an employee raises concerns with their supervisor, but then asks that nothing be done to address it. If a supervisor is informed of sexual harassment, harassment, bullying or workplace violence, they are required to address it. Failure to do so is a violation of the Manitoba Legislative Assembly Respectful Workplace Policy: Addressing and Preventing Sexual Harassment, Harassment and Bullying.

Informal Resolution

A number of informal resolution options exist to address behaviour. The informal approach can be a quicker and more effective method at resolving disrespectful behaviour and/or minor issues of interpersonal conflict. This approach focuses on collaboration and problem-solving rather than focusing on who is right and who is wrong. This approach can also empower individuals to focus on working together to find solutions that support a respectful working relationship moving forward. Options include:

Communicating with the other person directly

An employee experiencing inappropriate behaviour (complainant) may approach the person who made them feel uncomfortable (respondent), either in-person or in writing, to advise that the behaviour is unwelcome. The complainant may explain how their behaviour affected them and request that the behaviour stop. The respondent may not realize the impact of their behaviour and the feedback gives them the opportunity to change their actions.

Should an employee require advice or support on how to approach the respondent, they may access additional training and resources here.

Resolving with the support of the supervisor or another level of management

If an employee (complainant) does not feel comfortable speaking to the respondent, an employee can discuss their concerns with their supervisor (verbally or in writing) to get the supervisor's advice or support. If the concern involves the supervisor, or the employee does not feel comfortable approaching the supervisor, they may contact another level of management.

The complainant and supervisor can discuss informal options such as:

- The supervisor meeting with the respondent to advise them of the concern(s), hear their perspective and clarify expectations moving forward
- The supervisor meeting with all parties involved to discuss the issue together (e.g. facilitated discussion with the complainant, respondent and supervisor)
 - In this situation, it is best for the respondent to be aware of the nature of the discussion in advance so they are not caught off guard. This will aid in the discussion and support a more positive outcome.

Resolving through a group meeting (anonymous)

In this option, the employee can approach the supervisor and make them aware of the concern of disrespect. The supervisor can then discuss expectations of behaviour more generally at a staff meeting or in a written document to staff outlining expected behaviour. This option would support anonymity, as the staff and respondent may not know a specific concern has been raised; rather, the conversation would serve as a reminder to all employees of expectations of a respectful workplace.

Resolving through mediation (third party)

This option uses the assistance of a trained neutral third party to attempt to resolve the concerns and to build agreement on future interactions. The focus is on restoring the relationship and not on finding fault of either party.

Formal Resolution

This form of resolution is typically used:

- For more serious cases of inappropriate behaviour (sexual harassment, harassment/bullying, workplace violence), and/or
- When informal resolution is unsuccessful (e.g. inappropriate behavior continues)

How to address inappropriate behaviour through formal resolution

1. Make a formal complaint

Employees experiencing inappropriate behaviour or witnesses who have observed inappropriate behaviour can make a formal complaint at any time, regardless of when an incident may have occurred. Complainants are encouraged to report incidents as soon as possible after they occur as this assists with the ability to investigate and/or address the issue.

A complaint can be made verbally or in writing to an appropriate reporting contact. A listing of reporting contacts can be accessed [here](#).

2. Complaint is received

The individual receiving the formal complaint will have an initial conversation with the complainant to discuss their concerns and identify any additional safety measures or supports that may be needed.

If a complaint has been received verbally, the reporting contact will document the complaint and have the complainant review and sign the complaint to ensure the information has been accurately captured.

3. Human Resource Services is notified

The reporting contact will contact Human Resource Services who will assist with determining if a formal investigation and formal resolution is required or if informal resolution is most appropriate to resolve the concern. Not every formal complaint will warrant formal resolution.

Reminder: All complaints of sexual harassment must be documented using the Complaint Form (Disclosure of Inappropriate Conduct) and reported immediately to Human Resource Services.

4. Complainant is updated

The complainant will be provided an update by the reporting contact or Human Resource Services, generally within five to seven business days of the complaint being received. If it is determined that formal resolution will not be taken, then informal resolution options will be discussed and explored with the complainant in more detail.

5. Formal investigation begins (if applicable)

If a formal investigation is needed, separate meetings will be scheduled with the complainant, respondent and witnesses (if applicable) to gather information. A formal investigation may be led by Human Resource Services or an independent investigator. The complainant, respondent and/or witnesses may bring in a support person to an investigation meeting.

6. A decision is made about allegations

The individual(s) leading the investigation will make a recommendation as to whether the allegations are founded or unfounded.

Disciplinary Action is action that may be taken at the conclusion of formal resolution when an employee has been found to engage in activities contrary to policy. Each situation is individually assessed to determine the appropriate level of discipline based on a number of factors (e.g. severity of the incident). Employers are responsible for determining the appropriate level of discipline. Disciplinary action may include:

- Written reprimand
- Suspension without pay
- Disciplinary demotion
- Immediate termination of employment for cause and without notice

In relation to Members of the Legislative Assembly the applicable Caucus is responsible for any disciplinary action against a Member

Note: Notification of the appropriate authorities (e.g. local police) may also occur.

7. Results of the investigation are communicated

Following the conclusion of an investigation, the complainant and the respondent will be advised of the results of the investigation in writing (e.g. whether the allegation was substantiated), while respecting privacy.

In relation to an investigation into the actions of a Member of the Legislative Assembly the results of the investigation will be shared with the applicable Caucus Chair if it is determined that a violation of the policy has occurred.

The specific details of any discipline administered will not be provided to the complainant or any witness interviewed in the investigation, only confirmation that appropriate action has been taken.

Annually, the Speaker and the Director, Human Resource Services for the Legislative Assembly shall disclose to the Legislative Assembly Management Commission (LAMC) the number of complaints that have been received under this policy and at which stage they were resolved. They shall not however, disclose the nature of the complaint or the individuals involved.

8. Further workplace restoration measures are implemented

At the conclusion of formal resolution, the supervisor is responsible for ensuring workplace restoration. See *Step 3: Ensuring Workplace Restoration* on the next page for further information.

Step 3: Ensuring Workplace Restoration

At the conclusion of formal resolution, the supervisor is responsible for ensuring there are workplace restoration measures in place to support a respectful workplace moving forward. This may include ensuring workplace restoration for the:

- Complainant
- Respondent
- Other parties impacted (e.g. witnesses, other members of the team)

A minimum of two steps are required to ensure workplace restoration:

1. Post-incident supports are offered
2. Post-incident monitoring occurs

Supervisors may discuss workplace restoration with Human Resource Services for general advice and guidance.

1. Post-Incident Supports

At the conclusion of formal resolution, the supervisor of the complainant (or another level of management if the complaint was against the supervisor) is responsible for meeting with the complainant to explore additional workplace restoration supports they may require. The supervisor of the respondent is also responsible for having a similar conversation with their employee. These discussions are required regardless of whether the allegations are founded or unfounded as the goal is to ensure employees have the appropriate resources to move forward constructively. A list of post-incident supports which can also help with the workplace restoration can be found here .

The informal resolution options listed here can also be used to assist with workplace restoration after and allegation has been resolved.

Not all resources noted are appropriate in all situations. Suitable options will vary based on the comfort level of the complainant and the circumstances of the situation.

2. Post-Incident Monitoring

The supervisor(s) of the complainant and respondent is also responsible for post-incident monitoring to ensure there are no further issues of inappropriate behaviour and to ensure there is a harassment-free workplace. Monitoring involves follow-up with the complainant to see if there has been a recurrence of any inappropriate behaviour and/or acts of reprisals, and follow-up with the respondent where appropriate to see if they have any questions moving forward. Supervisors are to document monitoring efforts made as well as the results of such monitoring.

Employees are also encouraged to immediately report to their supervisor or a reporting contact if concerns continue or if they believe they are being retaliated against by any individual.