



SAFE WORK

Understanding Manitoba's New Requirements for Preventing Harassment at Work



Manitoba 

New Harassment Prevention Requirements

All Manitobans have the right to a safe, healthy work environment, free from harassment. This publication will explain harassment, as it is defined under the Workplace Safety and Health Regulation, M.R. 217/2006 (the regulation), and help you to understand what may or may not be considered harassment at the workplace.

What is harassment?

Two main types of harassment are covered under the regulation.

1. The first type is defined as any inappropriate conduct, comment, display, action or gesture by a person that is made on the basis of:
 - 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
2. The second type relates to what is sometimes referred to as “bullying”. This may involve:
 - severe, repeated conduct that adversely affects a worker’s psychological or physical well-being if it could reasonably cause a worker to be humiliated or intimidated
 - a single occurrence, if it is shown to have a lasting, harmful effect on a worker

Forms of harassment:

- verbal or written abuse or threats
- insulting, derogatory (mean, critical, embarrassing) comments, jokes or gestures
- personal ridicule (put-downs, teasing) or malicious (mean) gossip
- malicious or uncalled-for interference with another's work
- refusal to work or co-operate with others
- interfering with or vandalising (damaging) personal property



A determination of what is or what is not considered harassment will depend on the facts of each and every case.

Example

The following examples may be of assistance in considering whether conduct in a workplace is appropriate or not.

Personal harassment by a co-worker

Jane is an assistant to the manager in an administration office. During her 11-year career, she has been acknowledged for how well she does her job (efficient, professional and friendly). A few months ago, Susan started working in the office. Susan gets along well with the manager, but she seems to want to make things hard for Jane. Susan often says mean things about Jane's work. Susan has sent e-mails to other staff criticizing Jane as a person and a worker. Susan also hides files and doesn't give Jane important information she needs to do her job. This makes Jane look unorganized in front of the manager and other staff. Susan seems to enjoy seeing Jane embarrassed and uncomfortable.

Jane recently spoke to her manager about Susan's conduct towards her. The manager said Jane and Susan must work things out by themselves. Susan will not cooperate and Jane is becoming more uncomfortable and unhappy at work. Jane feels that the stress of her work environment is affecting her health.

Example

Personal harassment by a manager

Jill is a computer technician who works at a small computer repair company. On one of her first projects, a customer was upset with her work. Jill's boss, Garry yelled at her in front of the customer and said he might fire her. Since then, Garry has been really hard on Jill. He hovers over her while she works, yelling at her for being too slow or doing her work wrong. He never gives Jill help or advice on how to improve her work.

Garry doesn't do this to any other staff. Co-workers have started avoiding Jill and won't help her. When Garry told Jill that she made a mistake on a computer she rebuilt, he would not tell her what she did wrong. Jill spent all evening going over the computer, even asking a friend for help, but could not find any mistakes. She was afraid to come to work the next day, thinking that Garry would yell at her or fire her.



Reasonable conduct is not harassment

Reasonable, day-to-day actions by a manager or supervisor that help manage, guide or direct workers or the workplace is not harassment. Appropriate employee performance reviews, counselling or discipline by a supervisor or manager is not harassment.

Example

Reasonable conduct by a manager

Joe is a mechanic in an auto body and repair shop. A new manager, Tom, started working in the shop. Joe does not like some of the changes Tom is making, including following the rules about the hours of work. Joe is often late for work, but his old manager did not seem to mind. Tom says Joe must begin work on time. Tom first talked with Joe to find out why he was late. Joe thinks the reason he's often late is none of Tom's business.

Tom put up a memo to tell all employees that they must be on time for work. Joe was mad about the memo. The next time Joe was late, Tom asked Joe to meet him to talk about it. Joe got mad and walked out of Tom's office. When Tom asked Joe to do something later that day, Joe refused. Tom is thinking about suspending Joe for a day, without pay.

Employer responsibilities

By law, employers must take the following actions to help prevent harassment in their workplaces:

- develop and follow a written policy and action plan to prevent and/or stop harassment in the workplace
- make sure all workers know and follow the harassment prevention policy at all times

Developing a harassment prevention policy

By law, employers must consult with the safety and health committee or representative at the workplace when developing the harassment prevention policy. If the workplace does not have a committee or a representative, the employer must consult with the workers at the workplace.

Part 10 of the regulation requires the following statements to be included in the policy:

- every worker is entitled to work free of harassment
- the employer must ensure, so far as is reasonably practicable, that no worker is subject 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 the 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 explain how to make a formal complaint about harassment, how the complaint will be investigated, and how the complainant and person accused of harassment will be informed of the results of the investigation. Employers must post a copy of the harassment prevention policy in a place where everyone in the workplace can see it easily.

Good management practices can help create a respectful workplace

- Provide clear instruction to workers on roles, tasks and expectations
- Be a role model and leader when problems arise between workers or between workers and supervisors
- Practice open communication with employees and encourage them to do the same
- Encourage co-operation at the workplace
- Ask employees about their work and how it's done, to have a better idea how things work in all areas of the company
- Train employees so that they have the knowledge and skills needed to do their tasks well, and safely
- Be a role model and treat everyone in the workplace with respect
- Keep your harassment prevention policy updated and make any changes that are needed to make it better
- Give information and training (courses) to all managers, supervisors and workers about what harassment is and how to prevent it
- Take action right away if you are aware of harassment or if someone reports it to you

Worker responsibilities

By law, all workers, including managers and supervisors, must:

- act in a reasonable manner in the workplace
- tell their supervisor or manager if they feel they have been harassed or if they see it happening to other workers
- co-operate if there is an investigation into a harassment complaint

Reporting harassment

If you believe you are being harassed at your workplace:

- talk to your manager or supervisor
- call the Workplace Safety and Health Division for help at:
1-866-888-8186
(toll-free in Manitoba)
- call the Manitoba Human Rights Commission at: 1-888-884-8681
(toll-free in Manitoba)

The Workplace Safety and Health Division helps workers and employers understand Manitoba's requirements for preventing harassment at work, and can help to stop workplace harassment by enforcing the regulation (part 10 of the 44-part regulation).



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ASSESS THE RISK
FIND A SAFER WAY
EVERYDAY

For more information, contact:

Manitoba Labour and Immigration Workplace Safety and Health Division

200 – 401 York Avenue
Winnipeg, Manitoba R3C 0P8

Phone: 204-945-3446

Toll Free 1-866-888-8186 (in Manitoba)

Fax: 204-948-2209

Website: www.safemanitoba.com

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