

Workplace Harassment And Its Toll On Mental Health In Manitoba



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Your respectful workplace policy is a preventative policy to keep your workplace safer.

As health-care professionals, pharmacists know firsthand that the prevalence of mental health injuries has steadily increased in recent years. It is also no secret that many of those conditions result from an individual's job or working environment, where they can spend nearly a third of their day.

Employers have seen the impact of these mental health injuries in increased sick time, employee leave of absences and unhappy workforces. I have written about best ways to manage these leave of absences when they do arise in previous issues.

This article, however, highlights a preventative measure an employer can take to reduce the likelihood of the workplace itself being a cause of such leaves: implementing and applying a respectful workplace policy.

Not only is a respectful workplace policy mandatory for all employers in Manitoba, but it also sets out the obligations and expectations of everyone in a workplace in order to contribute to a safe and respectful workplace, and what to do when there is harassment in the workplace.

Policy requirements

Manitoba's workplace safety and health legislation prescribes very specific requirements of what must be included in a respectful workplace/harassment prevention policy at a baseline.

Firstly, the policy must be in writing and posted in a conspicuous part of the workplace for all employees to access. The policy must also include the following components:

- Processes on how to make a complaint of workplace harassment
- Processes on how a complaint will be investigated
- Processes on how the complainant and the alleged harasser will be advised of the

- results of an investigation under the policy
- A statement that everyone is entitled to work free of harassment
 - A statement that the employer will ensure, so much as reasonably possible, that no worker is subject to workplace harassment
 - A statement that the employer will take corrective action against anyone who subjects a worker to workplace harassment
 - A statement that the names of someone who complains of workplace harassment and the alleged harasser are kept confidential subject to certain exceptions
 - A statement that the worker has a right to file a complaint with the Manitoba Human Rights Commission
 - A statement that the policy is not intended to discourage or prevent a worker from exercising any other legal rights

In addition to these components, we also recommend a respectful workplace policy sets out what is and isn't harassment, where harassment can occur, the obligations of everyone under the policy and anti-reprisal language to ensure that everyone feels safe to make a complaint under the policy.

While this sounds like a lot, an effective respectful workplace policy should be kept as simple and clear as possible. The easier the policy is to understand, the more effective it will be in your workplace.

Walking the walk

Having a compliant and clear respectful workplace policy in place is only half the battle. It is equally or even more important that the policy is actually applied consistently. If employees do not have confidence that the complaint procedure will be followed or that an employer will actually take corrective action against substantiated harassment, then it is just another piece of paper on the wall.

For the policy to be an effective tool of harassment prevention, detection and correction, we strongly recommend that:

- Senior leadership (pharmacists, store managers, owners, human resources, etc.) are trained on the entirety of the policy so that they can respond to employee questions or assist them when they need to report harassment/file a formal complaint.
- All employees are made aware of the policy, given an overview of its components and trained on how to report harassment they see in the workplace.
- The employer ensures that the person internally responsible for investigating complaints is properly trained to do so, and that it has an external third-party investigator available when needed. Not all complaints have to be externally investigated, but complex complaints or those made against senior leadership may necessitate an external investigation to eliminate any claim of bias.
- When harassment does occur, corrective action is issued quickly and consistently, at a level appropriate for the harassment committed.
- Reprisal against a person who files a complaint or reports harassment is prohibited and addressed seriously if it occurs.

By taking these steps, employers put themselves in a far better position to reduce harassment and prevent their workplace from becoming toxic in the short term. In the long term, it establishes a culture and standard for everyone to live up to, resulting in a happier and productive workforce.

The beginning of the year is always a good time to look at your current workplace policies/employee handbooks and see if they are up-to-date and compliant.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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