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**Name:** HPEI Respectful Workplace Policy

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## Policy and Procedures Manual

### RESPECTFUL WORKPLACE

<b>Health PEI Policy – Human Resources</b>		<b>POLICY &amp; PROCEDURES</b>
<b>Applies To:</b>	All Healthcare Workers	
<b>Monitoring:</b>	Director of Human Resources	
<b>Approving Authority:</b>	Executive Leadership Team	
<b>Date:</b>	Effective: October 1, 2019 Next Review: October 1st, 2022	
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#### 1.0 POLICY

- 1.1 All healthcare workers are entitled to a respectful work environment free of disrespectful behavior, which includes discrimination, harassment (sexual harassment, personal harassment and abuse of authority) and workplace violence.
- 1.2 Health PEI is committed to providing a workplace in which all healthcare workers can expect to be treated with dignity and respect. Disrespectful behavior undermines an individual’s self-respect and adversely affects work performance and well-being. It also reduces the productivity and effectiveness of the health system.
- 1.3 As an employer, Health PEI values the dignity of all healthcare workers and is committed to creating and maintaining a respectful work environment. It is the responsibility of every healthcare worker to be committed to demonstrating respect in the workplace, as all healthcare workers have the right to work in a respectful workplace.

#### 2.0 DEFINITIONS

<b>Complainant:</b>	Any person who makes a complaint of disrespectful behavior, or who brings an incident of disrespectful behavior to the attention of the Employer under this policy.
<b>Complaint:</b>	An allegation of disrespectful behaviour which is based on actions defined as disrespectful behaviour in this policy.
<b>Discrimination:</b>	Any negative, prejudicial, or unjust treatment of a person based on one or more of the personal characteristics protected under the <i>Human Rights Act</i> , RSPEI 1988, H-12 (i.e., age, colour, creed, disability, ethnic or national origin, family status, gender expression, gender identity, marital status, political belief, race, religion, sex, sexual orientation, or source of income).  For greater certainty, when used in this policy, discrimination has the same meaning as defined in the <i>Human Rights Act</i> , RSPEI 1988, H-12.

<b>Disrespectful Behavior:</b>	<p>Actions or comments that are inappropriate, demeaning or otherwise offensive and which create an uncomfortable, hostile and/or intimidating work environment. Types of behaviours considered disrespectful include:</p> <ul style="list-style-type: none"> <li>– Discrimination;</li> <li>– Harassment (sexual harassment, personal harassment and abuse of authority); and</li> <li>– Workplace violence.</li> </ul> <p>Disrespectful behaviour <b>does not include</b>:</p> <ul style="list-style-type: none"> <li>– The legitimate and proper exercise of the Employer’s right to supervise or manage;</li> <li>– Impositions of authorized and appropriate discipline;</li> <li>– Other routine interaction, including interpersonal conflicts or difficulties from time to time, short of harassment defined below; or</li> <li>– Occasional curtness or lack of friendliness, unless the curtness or lack of friendliness is so persistent or intense and individualized that it creates an uncomfortable, hostile and/or intimidating work environment, or constitutes harassment.</li> </ul>
<b>Employer:</b>	Refers to Health PEI. These terms may be used interchangeably throughout this policy.
<b>Harassment:</b>	<p>Improper and unwelcomed behaviour directed at a person that is offensive and/or harmful. Harassment can include persistent, aggressive or unreasonable behavior, and can include verbal, non-verbal, psychological, or physical behaviors. Harassment can be perpetrated in person (i.e., face-to-face) or it can take place electronically (e.g., including, but not limited to, text messages, social media, or e-mail).</p> <p>Harassment includes the following:</p> <ol style="list-style-type: none"> <li>(a) <u>Personal Harassment</u>: Any unwarranted, offensive behavior that is known to be unwelcome, or ought reasonably to be known to be unwelcome. It includes any comment, conduct, gesture or display that does, or is intended to demean, bully, intimidate, or cause embarrassment to another person. Personal harassment includes, but is not limited to, harassment on the basis of a person’s age, colour, creed, disability, ethnic or national origin, family status, gender expression, gender identity, marital status, political belief, race, religion, sex, sexual orientation, or source of income.</li> <li>(b) <u>Sexual Harassment</u>: Sexual harassment in the workplace is broadly defined as unwelcome conduct of a sexual nature that detrimentally affects the work environment, or leads to adverse job-related consequences for the victim.</li> <li>(c) <u>Abuse of Authority</u>: Where an individual holds a position with inherent power and authority, and he or she uses that power or authority in a manner which serves no legitimate work purpose, and which is, or ought reasonably to be known, to be inappropriate. It includes, but is not limited to, misuses of power which are</li> </ol>

	intimidating, coercive, or demeaning.
<b>Healthcare Worker:</b>	All persons involved in providing care and/or services within Health PEI facilities and programs, which includes all employees (casual, permanent, temporary, full-time and part-time employees), physicians (salaried, fee for service, contract and locum), students, volunteers and contract workers.
<b>Respectful Workplace:</b>	A Health PEI workplace that is free from disrespectful behaviour.
<b>Respondent:</b>	Any person against whom a complaint has been made.
<b>Supervisor or Manager:</b>	For purposes of this policy, supervisor or manager means “supervisor, manager, or a person of higher authority within Health PEI.”
<b>Violence or Workplace Violence:</b>	When used in this policy, violence or workplace violence has the same meaning as found in the <i>Occupational Health and Safety General Regulations</i> , PEI Reg. EC180/87, Part 52, which defines workplace violence as being the threatened, attempted, or actual exercise of any physical force by a person other than a worker that can cause, or that causes, injury to a worker, and includes any threatening statement or behavior that gives a worker reasonable cause to believe that he or she is at risk of injury.
<b>Workplace:</b>	Includes: <ul style="list-style-type: none"> <li>(a) All property owned and/or occupied by Health PEI, and every location where Health PEI maintains an office or facilities or otherwise assigns healthcare workers to perform regular duties of their position, including in a client’s home and in transit between one or more workplaces; and</li> <li>(b) At training events, conferences, business travel, work-related social gatherings, or other location(s) where an employee is actively engaged in activity associated with their employment.</li> </ul>

### 3.0 PURPOSE/SCOPE

3.1 Health PEI has developed this Respectful Workplace Policy:

- (a) To promote, establish and maintain a respectful workplace;
- (b) To establish and recognize the roles and responsibilities of the employer, managers and supervisors, and all healthcare workers in the development and maintenance of a respectful workplace; and
- (c) To meet Health PEI’s ethical and legal obligations to provide a respectful work environment.

### 4.0 APPLICATION

This policy applies to all healthcare workers and workplaces of Health PEI.

### 5.0 PRINCIPLES

5.1 All healthcare workers are treated equitably under this policy, and all matters arising under this policy are dealt with in a fair, unbiased, confidential and timely manner.

5.2 All healthcare workers are advised of the provisions of this policy and of the resolution processes available to them in accordance with the *Respectful Workplace Guide* which

supports this policy and is available on the Staff Resource Centre [https://src.healthpei.ca/sites/src.healthpei.ca/files/Employee-wellness-safety/Respectful\\_Workplace\\_Guide.pdf](https://src.healthpei.ca/sites/src.healthpei.ca/files/Employee-wellness-safety/Respectful_Workplace_Guide.pdf).

- 5.3 Supervisors and managers take immediate action to report or deal with incidents of disrespectful behavior that come to their attention, whether or not a formal complaint has been made.
- 5.4 All formal complaints and decisions pursuant to this policy are made in writing.
- 5.5 Managers, supervisors, human resources, and investigators keep the details of any reported issue confidential to the best of their ability; however, confidentiality does not mean anonymity. The name of a complainant, alleged respondent, or the circumstances related to the issue, will only be disclosed where necessary to investigate, take and defend corrective action, or as required by law.

Confidentiality is subject to the following:

- (a) A supervisor or manager is responsible for addressing every reported issue.
  - (b) The person alleged to have acted inappropriately (the respondent) must be informed of the allegations made against them in sufficient detail to allow them to make a full answer and defense, which may include identifying the name of the complainant.
  - (c) If the situation results in discipline, the disciplined employee may have the right to grieve under a collective agreement. This can result in an arbitration hearing in which the employer presents its case through witnesses, including the complainant, to establish there was just cause for the discipline imposed.
- 5.6 All parties to a complaint under this policy and the guide are given a reasonable opportunity to present evidence in support of their positions.
  - 5.7 Parties may be represented or accompanied by a union representative or support person throughout the procedures set out in this policy and accompanying the guide; however, a union representative or support person shall not advocate for, or represent the party which they support.

Note: Parties are not entitled to legal representation during any procedure under this policy or the accompanying *Respectful Workplace Guide*.

- 5.8 Healthcare workers are required to notify their supervisor or manager of all incidents of workplace violence, even if there was no physical injury, as per the Health PEI Occupational Health and Safety Program.
- 5.9 There shall be no retaliation against healthcare workers for exercising rights under this policy.
- 5.10 Nothing in this policy restricts Health PEI's authority and obligation to manage the performance of employees or take appropriate disciplinary action where appropriate.

## 6.0 PROCEDURE

- 6.1 Health PEI assesses each complaint or report of disrespectful behaviour on an individual basis and determines the appropriate procedure for resolution at the lowest possible level, and in consultation with the healthcare worker or complainant where applicable. Health PEI reserves the right to initiate a formal review of the matter if there are sufficient concerns regarding the physical or psychological impact of the alleged disrespectful behaviour.
- 6.2 This policy is read in conjunction with the accompanying *Respectful Workplace Guide*.

## 7.0 RESPONSIBILITIES

WHO	RESPONSIBILITIES
Chief Executive Officer	<ul style="list-style-type: none"> <li>– Has overall responsibility for the administration of this policy throughout Health PEI;</li> <li>– Hold managers and supervisors accountable for carrying out their responsibilities under this policy;</li> <li>– Receives written complaints under this policy and delegates responsibility to the Director of Human Resources for appropriate follow up;</li> <li>– Determine, if any, course of action necessary based on findings resulting from the administration of this policy.</li> </ul>
Director of Human Resources	<p>It is the responsibility of the Director of Human Resources to ensure that the provisions of this policy are administered. Responsibilities include:</p> <ul style="list-style-type: none"> <li>– Ensure all managers, supervisors and healthcare workers are informed of this policy and guide, and are advised of their responsibilities and rights pursuant to them;</li> <li>– Interpret the policy and guide;</li> <li>– Provide advice and assistance related to the administration of the policy and the guide to managers, supervisors and healthcare workers;</li> <li>– Ensure that prompt and appropriate action is taken when a complaint is received;</li> <li>– Monitor and track complaints;</li> <li>– Inform the complainant that they may advance the complaint to the police for investigation, where behaviour of a criminal nature has occurred, or is thought to have occurred.</li> </ul>
Health PEI (Employer)	<p>It is the responsibility of Health PEI to:</p> <ul style="list-style-type: none"> <li>– Foster a work environment free of disrespectful behavior;</li> <li>– Ensure healthcare workers are not exposed to disrespectful behaviours in the workplace;</li> <li>– Implement this policy and the related Respectful Workplace Guide.</li> </ul>
Healthcare Workers	<p>It is the responsibility of healthcare workers to:</p> <ul style="list-style-type: none"> <li>– Create and support a work environment free of disrespectful behaviour by complying with this policy and ensuring their behavior meets reasonable and/or acceptable standards as outlined in this policy;</li> <li>– Treat all persons in the workplace in a manner that is free of disrespectful behaviour;</li> <li>– Take reasonable action, where possible, should they feel they or another person are being subjected to disrespectful behaviour;</li> <li>– Report any incident(s) of observed or experienced disrespectful behaviour to the attention of a supervisor or manager;</li> </ul>

WHO	RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>– Cooperate fully with all those responsible for resolving a complaint of disrespectful behaviour.</li> </ul>
Human Resources	It is the responsibility of Human Resources to assist healthcare workers, managers and supervisors, and the Director of Human Resources, with respect to the application and administration of the policy and guide.
Managers and Supervisors	<p>It is the responsibility of managers and supervisors to:</p> <ul style="list-style-type: none"> <li>– Be familiar with this policy and guide and all templates and tools for policy administration;</li> <li>– Ensure that all healthcare workers are advised of their rights and responsibilities under this policy and the resolution processes open to them;</li> <li>– Ensure all healthcare workers’ rights are respected in the workplace;</li> <li>– Support healthcare workers in any procedures under this policy;</li> <li>– Consult with Human Resources where appropriate.</li> </ul>

## 8.0 MONITORING

The Director of Human Resources is responsible for ensuring that this policy is reviewed every three years as per Health PEI’s policy review cycle and standards.

## 9.0 REFERENCES

### Related Documents

Health PEI Respectful Workplace Guide

[https://src.healthpei.ca/sites/src.healthpei.ca/files/Employee-wellness-safety/Respectful\\_Workplace\\_Guide.pdf](https://src.healthpei.ca/sites/src.healthpei.ca/files/Employee-wellness-safety/Respectful_Workplace_Guide.pdf)

### References

*Human Rights Act*, R.S.P.E.I. 1988, H-12

*Occupational Health and Safety Act*, R.S.P.E.I. 1988, O-1.01

Occupational Health and Safety General Regulations, PEI Reg. EC180/87

### Appendices

N/A

## 10.0 STAKEHOLDER REVIEW

Group/Committee	Dates of Review
Health Labour Relations Committee	July 2018
Legal HR Service Provider Review	July 2018
Unions	June 2019
Wellness and Safety Manager	July 2019
Human Resource Managers	August 2019

## 11.0 REVIEW HISTORY

**Review Dates:**

_____	_____	_____
_____	_____	_____