

Review of Harassment Reporting in The Manitoba Government: **The “No Wrong Doors” Approach**

Prepared for the Honourable Wab Kinew, Premier of Manitoba
By Sarah Thiele, Clerk of the Executive Council for the Manitoba government

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Executive Summary

On March 13, 2024, the Premier of Manitoba directed the Clerk of the Executive Council to conduct a review of the Manitoba government's "no wrong doors" approach to harassment reporting. The Clerk of the Executive Council established a project team consisting of representatives from the Public Service Commission and the Office of the Clerk of the Executive Council to lead a review to evaluate the effectiveness of the "no wrong doors" initiative, assess how harassment complaints involving external employers are addressed, and identify possible areas for improvement to ensure that individuals working with the Manitoba government feel safe and respected at work.

"No wrong doors" is a term used in the public discourse on harassment reporting for government employees in Manitoba. It was first introduced by Premier Pallister in 2018 when announcing several new measures to promote a safe work environment in the Manitoba government.¹ The principle is to provide employees with multiple avenues to make a respectful workplace complaint. The term "no wrong doors" is not used in policy by the Manitoba government or Manitoba Legislative Assembly. Rather, the principle is enacted through the respectful workplace policies of both employers by establishing reporting contacts available to employees beyond their immediate supervisor.²

The project team considered the Manitoba government's approach to harassment reporting against other jurisdictions and major employers in the province and conducted tabletop exercises with external employers to test policies in practice. Critically, the Manitoba government and Manitoba Legislative Assembly were most carefully reviewed given the closeness of the two organizations and the need to clarify similarities and differences between the employers throughout the report.

While the two bodies are distinct employers, they have reciprocal language in their respectful workplace policies committing to work together if a matter comes forward involving staff covered by both policies. This coordination recognizes that employees may interact with each other without an appreciable distinction between their employers. This is particularly true for employees in the legislative building, where public servants, political staff, caucus, and elected officials are most likely to interact. In practical terms, all employees in the same working environment are held to the same standard and entitled to the same protections.

The Manitoba government and Manitoba Legislative Assembly have worked together since 2018 to develop coordinated respectful workplace policies and processes. The policies and supporting documents are materially the same. Differences are discussed in

¹ [Province Announces Steps to Promote Safe Working Environment](#), Manitoba Government News Release, February 22, 2018

² **Reporting Contact** refers to a person who can receive a formal complaint of inappropriate behaviour in violation of the respectful workplace policy as defined in the Manitoba government's and Manitoba Legislative Assembly's respectful workplace policies.

the comparative analysis (page 19) in terms of training requirements, reporting contact lists, public reporting requirements and the use of independent investigators.

This review determined Manitoba's policy framework is well designed to support the "no wrong doors" approach to harassment reporting through the use of reporting contact lists. Credit is due to the collaborative relationship between the Manitoba government and Manitoba Legislative Assembly to ensure alignment of their respectful workplace policies. This positive working relationship should continue as the employers will always need to work in symbiosis within the broader Manitoba government environment.

Other recommendations of this report focus on enhancements to maximize the effectiveness of the existing framework by improving awareness around reporting contact lists. As the primary tool for individuals making complaints, the reporting contact lists should be widely promoted among employees. Further, reporting contacts must be equipped with the knowledge and supports to take the appropriate action upon receiving a complaint. To maintain accountability, reporting contacts should receive a confirmation once a complaint they were responsible for advancing has been resolved. These recommendations address potential gaps that fall outside of the current policy and process requirements.

Aside from the Manitoba Legislative Assembly, the Manitoba government does not have a policy statement pertaining to cases involving external employers. Complaints involving external employers are managed on a case-by-case basis, as demonstrated in the tabletop exercises. The Manitoba government could formalize expectations for collaboration with external employers through policy, similar to the language used related to the Manitoba Legislative Assembly. This is an opportunity to reassert the employer's responsibility to protect employees from harassment by individuals from outside of government.

Manitoba's current respectful workplace policies and processes are designed to lessen issues related to reporting. They strive for fairness and to minimize power imbalances and fear from reprisal. The Manitoba Legislative Assembly uses independent investigators for matters involving Members of the Legislative Assembly. To strengthen confidence in the reporting process involving the highest levels, the Manitoba government should formalize the same approach for matters involving deputy ministers, other senior staff and human resources.

The Public Service Commission maintains a policy review schedule to ensure the government's respectful workplace policy is regularly updated to meet emerging needs and shifting realities. A broader challenge in evaluating if the "no wrong doors" approach is meeting society's evolving expectations is that the term "no wrong doors" is not defined. Individuals may determine their own expectations in the absence of a clear explanation. However, six years since the term was introduced in Manitoba, it is not used in any of the employer's policies, training or other documentation. If the term resonates with the

organization, it should be defined to limit confusion about the intent and extent of “no wrong doors” reporting.

The Manitoba government is committed to an ethical and respectful public service, and committed to fostering a work environment that is respectful and free of all forms of harassment, including sexual harassment and bullying. The Manitoba government can continue its effort to ensure safe and respectful workplaces by applying the learnings from this report and continuing to look for opportunities to ensure all employees feel safe and respected at work.

Recommendations

These recommendations serve to strengthen the existing framework and expand on the considerable efforts taken since 2018 to create safer, more respectful workplaces in the Manitoba government. Implementing these changes supports the Manitoba government’s commitment to an ethical and respectful public service, free of all forms of harassment, including sexual harassment and bullying. The Public Service Commission should also review the entirety of this report for additional insights that may improve systems for harassment reporting. As the Manitoba government and Manitoba Legislative Assembly have a successful history of aligning respectful workplace policies, the following recommendations refer to both employers, where relevant:

- Adopt a policy to support joint investigations with other employers by expanding on the current reciprocal language used by the Manitoba government and the Manitoba Legislative Assembly to work together as appropriate to address matters in a way that respects the processes of their respective policies.
- Reaffirm the Manitoba government and Manitoba Legislative Assembly’s commitment as employers to prioritize workplace restoration and continued protection of their employees when the employer is aware of complaints involving individuals outside of the employer’s jurisdiction, such as external contacts.
- Establish a communication protocol to ensure reporting contacts are appropriately informed when a complaint they advanced is resolved.
- Continue to work with the Manitoba Legislative Assembly in alignment with the organizations’ commitments to coordinate respectful workplace policies, processes and improvements.
- Update the reporting contact lists published by the Manitoba government and the Manitoba Legislative Assembly to include the reporting contacts for each employer, as well as add the Clerk of the Executive Council, the Public Service

Commissioner, the Public Service Commission's Investigation Unit and the Chief of Staff.

- Ensure individuals on the reporting contact lists, including deputy ministers, are reminded periodically of their responsibilities and the supports available to them as reporting contacts. Send the first reminder immediately.
- On an on-going basis, promote information to employees about reporting contact lists and their options for reporting to someone other than their supervisor.
- Implement a regular practice of tabletop exercises and after-action reviews to identify operational opportunities for future events and to improve coordination with collaborators, including external employers.
- Allow staff of the Manitoba Legislative Assembly to access training materials online, including the Manitoba government's respectful workplace training, to promote more frequent education on respectful workplace policies in the broader Manitoba government environment unless other mandatory annual training is implemented.
- Formalize the Manitoba government's current practice of hiring independent investigators for matters involving senior officials and executive staff, mirroring the approach of the Manitoba Legislative Assembly policy for formal complaints raised against Members of the Legislative Assembly, senior staff and human resources.
- Any further review of the "no wrong doors" approach that includes consulting with employees should be conducted by a third-party to assure participants feel safe and protected when sharing their own experiences or perceptions of the current process.

Conclusion

The Manitoba government supports a "no wrong doors" approach to harassment reporting through current policies, processes and practices. While the term "no wrong doors" is not defined by policy, the intent has been adopted through many improvements since 2018. The Manitoba government's approach to "no wrong doors" is designed to mitigate common issues and risks associated with "open door" reporting systems. This includes: concentrating the scope of reporting contacts, creating the Investigations Unit for the public service, establishing data collection systems, and implementing a trauma-informed approach to investigating by seeking to limit the number of times a complainant must tell their story.

Results of the review found Manitoba has a robust policy and framework for harassment reporting. The respectful workplace policy is transparent, provides detailed information and outlines clear expectations regarding the investigation process, reporting, and the use of a variety of methods to communicate and enhance policy understanding within the organization. Current efforts also demonstrate that work is actively underway to continue to enhance processes, collect data to better inform activities, drive improvements in processes, monitor progress and support transparency to the public.

Education and awareness are paramount to ensuring the good intentions of the existing policy framework are fully executed. Employees must be better informed about their options for reporting through the reporting contact list; and reporting contacts must be educated on how to proceed when someone comes to them for help. Ensuring reporting contacts are informed when a complaint they advanced has been resolved will increase accountability and reinforce the responsibility upon reporting contacts to appropriately address complaints.

As the Manitoba government is committed to fostering a work environment that is respectful and free of all forms of harassment, including sexual harassment and bullying, the recommendations of this review should be gladly considered for implementation. The Manitoba government will continue being a collaborating partner with external employers, including the Manitoba Legislative Assembly, to address matters related to the safety and wellbeing of its employees.

Introduction

On March 13, 2024, the Premier of Manitoba directed the Clerk of the Executive Council (“the Clerk”) to conduct a review of the Manitoba government’s “no wrong doors” approach to harassment reporting. The premier noted the “no wrong doors” approach had not been reviewed since it was introduced in 2018, and a review should be done to ensure the Manitoba government’s policies and processes continue to meet society’s evolving expectations of safety in the workplace. This report acknowledges the experience Sarah Guillemard, former Member of the Legislative Assembly for Fort Richmond, shared on March 8, 2024, International Women’s Day, about her own experience making a sexual harassment complaint as a Member of the Legislative Assembly and suffering professional consequences.³

The Clerk established a project team consisting of representatives from the Public Service Commission and the Office of the Clerk to lead a review with the following objectives:

- Evaluate the effectiveness and principle of “no wrong doors” for harassment reporting in the Manitoba government.
- Assess how harassment complaints are processed when more than one organization is implicated in an investigation and how intersecting policies apply.
- Identify areas for improvement to ensure individuals working with the Manitoba government feel safe and respected at work.

To accomplish this mandate, the project team was tasked with preparing a final report with recommendations from their review and findings. This report includes research that focuses on the “no wrong doors” approach to harassment reporting, particularly concerning issues involving employees of the Manitoba government and other organizations. It also reflects what was heard through consulting with other Manitoba organizations and Public Service Commission staff. The report seeks to assess Manitoba’s application of a “no wrong doors” approach to harassment reporting against other best practices in Manitoba and Canada.

The report begins with background information, definitions, an introduction, then a description of the Manitoba’s government current framework, followed by a comparative analysis that includes a review of existing literature on “no wrong doors”, a presentation of jurisdictional policies and findings, data analysis, and followed by a list of recommendations designed to provide a clear focus for required actions and to inform better practices in harassment reporting.

³ https://twitter.com/s_Guillemard/status/1766155684112892040

This review was conducted within the scope of information available to the public service at the time of request. Assessments were made based on the appropriate application of all policies and processes, and extensive knowledge of public service human resources professionals working within the Manitoba government environment. The Manitoba Legislative Assembly, and other organizations consulted for this review, are separate employers from the Manitoba government, with rights respecting the disclosure of their own information and application of their own policies and procedures.

General consultation during the tabletop sessions considered the process in practice and provided for an opportunity to reflect on experience from the Public Service Commission's Investigation Unit. Individual case files were not considered, ensuring confidentiality and privacy of employees currently/previously involved in investigations.

Background

The Manitoba government is committed to an ethical and respectful public service and to fostering a work environment that is respectful and free of all forms of harassment, including sexual harassment and bullying, as articulated in its Respectful Workplace and Harassment Prevention Policy and framework. Over time, significant reviews and improvements have been made to the policy, with the most recent drawn from the MLT Aikins report of 2018.

On February 22, 2018, following revelations of sexual harassment and inappropriate behaviour in the workplace, the Manitoba government took decisive action by announcing a series of initiatives aimed at fostering a respectful work environment, free from all forms of harassment, including:

- **Consultation with Employees:** The government engaged in conversations with its employees to gain insights into their experiences and assess the impact of existing policies, practices, and tools.
- **External Policy Review:** An external review was undertaken of the Manitoba government's policies and procedures, ensuring alignment with the commitment to respect and harassment prevention.
- **Transparent Reporting Process:** A reporting process was established to disclose instances of harassment publicly. Transparency became a cornerstone of the government's approach.
- **Mandatory Training:** Cabinet and political staff were mandated to undergo respectful workplace training. This education aimed to equip them with the knowledge and skills necessary to maintain a respectful work environment.

- **The “no wrong door” Approach:** A groundbreaking step, the “no wrong doors” approach was introduced specifically to address concerns that political staff may feel reluctant to report harassment for fear of reprisal. It expanded reporting options beyond the confines of politics, allowing complaints to be directed to the Clerk or the Public Service Commission.⁴

Following the MLT Aikins final report, [Policy Review of Workplace Harassment and Sexual Harassment Policies, Practices and Procedures](#), actions were taken across the Manitoba government to implement the 25 outlined recommendations, including filling a Respectful Workplace Advisor position, [publicly reporting on statistics](#) related to instances of harassment, improving training for employees and managers, mandating an annual training refresher, and launching a sexual harassment campaign.

Although all 25 recommendations have been implemented, this report targets MLT Aikins recommendation number 14, which is to “maintain and further assess the No Wrong Door initiative.”

Definitions

To support the review, an examination of key definitions used in the report was undertaken including definitions related to “respect” as defined in the Manitoba government respectful workplace policy. The Manitoba government policy outlines a series of definitions including behavioural definitions of respect, inappropriate behaviour, disrespectful behaviour, harassment, sexual harassment, workplace violence; in addition to procedural definitions such as complainant, disciplinary action, formal and informal resolution, reasonableness, reporting contact, respondent, workplace and workplace restoration. For a list of detailed policy definitions, please see Appendix A.

Of note, following the MLT Aikins review, in recognition that employees covered by the Manitoba government Respectful Workplace and Harassment Prevention Policy and those covered under the Manitoba Legislative Assembly Respectful Workplace Policy may work closely together, efforts were taken to coordinate and collaborate on respective policy revisions. As such, definitions in both policies are identical with the exception of the definition of “employee” given the jurisdictional differences between individuals operating in the Manitoba Legislative Assembly and the Manitoba government.

Employees of the Manitoba government refers to all members of the core public service of the Manitoba government as defined in section 3(2) the Public Service Act. An employee of the core public service means the Clerk, the other deputy ministers and the

⁴ [Province Announces Steps to Promote Safe Working Environment](#), Manitoba Government News Release, February 22, 2018

employees in positions within the departments of government. Political staff hired/appointed by executive government or through Order in Council that are not employees of the Manitoba Legislative Assembly also fall under the policy (as per section 6.5(1) of the Public Service Regulation, which requires political staff to comply with certain policies developed for the core public service).

Employees of the Manitoba Legislative Assembly refers to individuals that the Legislative Assembly of Manitoba's respectful workplace policy applies to: all Members of Legislative Assembly, their Constituency Assistants and other staff, staff of the non-political offices of the Legislative Assembly (Clerk of the Legislative Assembly's Office, Officer of the Speaker, Administration) and political offices of the Legislative Assembly (caucus).

Reporting Contact refers to a person who can receive a formal complaint of inappropriate behaviour in violation of the respectful workplace policy as defined in the respectful workplace policies of both employers, with specific contacts identified on each employer's reporting contact lists.

Manitoba Government: Current Policy Framework and Process

Since 2018, the Manitoba government has continued implementing measures to strengthen the framework for respectful workplace and harassment prevention. These measures include revisions to the Respectful Workplace and Harassment Prevention Policy, introduced to establish clearer roles and responsibilities and provide consistent procedures for employees to address concerns, and a [supportive awareness campaign on sexual harassment](#) for Manitoba government employees in March 2019. In July 2019, a new Manitoba Government Code of Conduct was introduced to further strengthen the ethical framework and the Public Service Commission has continued to deliver new webinars for employees on topics such as race, diversity, inequity, systemic racism, unconscious bias, discrimination, inclusion, power and privilege.

The Manitoba government outlines its commitment to ensuring that every government employee works in an environment that is safe, respectful, and free of all forms of harassment, including sexual harassment and bullying, through its respectful workplace policy.

The existing policy framework includes:

- [Respectful Workplace Policy: Addressing and Preventing Sexual Harassment, Harassment and Bullying](#)
- [Code of Conduct](#)
- [Overview of the Resolution Process for Addressing Inappropriate Behaviour](#)
- [Reporting Contacts and Post-Incident Supports](#)
- [General Guide to Receiving a Respectful Workplace Complaint](#)
- [Complaint of Inappropriate Conduct Form](#)

The existing framework outlines a process to support employees who experience or witness disrespectful behaviour noting the requirement to immediately report more serious forms of inappropriate behaviour (e.g. sexual harassment, harassment/bullying and/or workplace violence) to an appropriate reporting contact. Although previously limited to human resources, with the “no wrong doors” approach adopted in 2018, reporting contacts defined in the policy were expanded to include immediate supervisors, any level of management (up to and including the Clerk), Human Resources, the Public Service Commission’s Respectful Workplace Advisor, Employee Unions, the Manitoba Human Rights Commission (for complaints relating to discrimination on the basis of protected characteristics under the Manitoba Human Rights Code) and SAFE Work Manitoba (for reporting a workplace health and safety concern including harassment). This has supported individuals by allowing them to decide who they are most comfortable reaching out to when reporting a complaint.

Recognizing the closeness of the Manitoba government and the Manitoba Legislative Assembly, language is now included in both organization’s respectful workplace policies to clearly specify that in matters that come forward involving staff covered by both policies, the Manitoba Legislative Assembly and Manitoba government will work together as appropriate to address the matter in a way that respects the processes of each respective policy. The Manitoba government also includes information for employees of the Manitoba Legislative Assembly on its reporting contact list. Further discussion on the similarities and differences of these two employers’ policies is included in the Jurisdictional Review and Comparative Analysis (page 19).

Complaints may or may not advance to formal investigation as informal approaches may be best suited to handle specific circumstances. For complaints that advance to a formal investigation, policy guidelines respecting timeliness are in place to guide resolution as soon as reasonably possible and without undue delay.

Structural and resourcing adjustments were undertaken within the Public Service Commission to enhance respectful workplace support for employees and leaders dealing with workplace issues. The adjustments included the introduction of a Respectful Workplace Advisor, supporting capacity building within Human Resource operational offices, as well as the creation of a new centralized Investigations Unit within the

Workforce Relations Division of the Public Service Commission. Effective April 1, 2021, the Investigations Unit began to take on accountability for intake, coordination, and standardization of procedures for employee investigations, development and delivery of centralized training, and establishment and monitoring of a database system for all government investigations to promote a consistent approach and statistical reporting across the public service.

Potential pitfalls of a “no wrong doors” approach, such as inconsistencies in responses, have been mitigated by the new centrally coordinated complaint/investigation process via the Investigations Unit. The process for central coordination of concerns and enhanced triaging process has allowed for ongoing improvements to consistent intake, assessment, actioning and reporting of activities to further support transparency in the process. This includes consideration of situations given specific circumstances with an allegation where a formal response is best suited to be escalated and led by the Investigations Unit, the appropriate level of management representation on the team, whether an external third party should be engaged, and steps/management contact(s) who will be required to be apprised of progress, scope changes and review of the final report.

The Investigations Unit continues to undertake efforts to enhance its triage approach, introducing an expanded intake process in the past year in which a review of complaints is undertaken by a team consisting of the Investigations Unit, the Respectful Workplace Advisor, and a Human Resource Manager. In reviewing and triaging complaints received against common criteria, the team leverages varied perspectives/experiences in assessment as part of the intake process and determining routes for informal or formal action.

In reported cases involving external employers, which is noted by the Public Service Commission to be rare, the Investigations Unit may seek collaboration with the employer while utilizing a trauma-informed approach to investigations. The aim is to limit the number of times participants retell their experiences, particularly in sexual harassment cases, while balancing appropriate confidentiality and risk assessment to ensure the safety of individuals involved in a complaint.

As outlined in the policy, the Manitoba government has zero tolerance for reprisal and supports this through contacts and information available in the framework and is reinforced through supportive resource and training content.

Manitoba Government: Ongoing Efforts

Within the past year, the Investigations Unit has undertaken training in trauma-informed investigation. It is currently developing a course for Manitoba government employees trained in investigations (i.e. have completed a 12-hour pre-requisite investigation training

course) to be launched in winter 2024. Commencing January 2024, complaints related to sexual harassment are managed by the Investigations Unit and led by an investigator with trauma-informed investigation training.

Over the past two years, the Public Service Commission has sought to ensure clarity of expectations in its new onboarding program for new hires and leaders, as well as its performance development, and probation/assessment program, including supportive toolkits developed for employees and leaders. Measures are also in place to maintain regular communications through frequent CONNECT (an e-newsletter for Manitoba government employees), articles reaching all employees, as well as targeted communication to deputy ministers and their leadership teams on resources, training opportunities, and progress reporting.

Research and Analysis

Two stages of research were conducted to evaluate Manitoba’s “no wrong doors” approach to harassment reporting. Stage 1 was a desktop review of policies, reports, and existing literature. Stage 2 involved two in-person tabletop exercises with third parties to work through hypothetical scenarios where more than one employer’s harassment policy may apply. Additionally, the analysis considers how the current approach measures up to society’s evolving expectations for feeling safe at work.

Desktop Research

This desktop review entailed research and analysis of existing reports, policies and literature summarized in three sections:

- Literature Review
- Jurisdictional Review and Comparative Analysis
- Data Analysis

A selection of other reporting entities (OREs), non-governmental organizations and other jurisdictions were reviewed, including the Manitoba Legislative Assembly, City of Winnipeg, University of Manitoba⁵, Manitoba Hydro and United Way Winnipeg.

⁵ Note: the University of Manitoba’s Rady Faculty of Health Sciences’ [Disruption of All Forms of Racism Policy](#) includes a “no wrong door” clause for disclosing experiences of racism. As a faculty-specific policy, it was not reviewed in this report as one of the University of Manitoba’s corporate policies.

Internal resources included the Manitoba government’s respectful workplace policy, consultation with the Investigations Unit, and data from the Public Service Commission related to complaints, including entry points for complaints, training compliance, and responses from employee engagement surveys since 2018.

A summary table (Appendix B) compares key policy highlights, such as the most recent date of review, scope, and application.

Other external resources include the MLT Aikins report, interjurisdictional scans gathered from the interjurisdictional community of practice established as part of the Federal, Provincial and Territorial Public Service Commissioner’s network, academia, and international scans.

Literature Review

The following section presents highlights and findings from a review of other reports and research on the general application of the “no wrong doors” approach.

What is the intent of a “no wrong doors” approach?

Through a review of existing literature, including as summarized and discussed in the MLT Aikins report and August 2019 report by Donna Miller and Helga D. Van Iderstine on [Responding to Sexual Violence, Harassment and Discrimination at the University of Manitoba; A Path Forward](#), we sought to clarify the intent of the “no wrong doors” approach. Within the context of supporting respectful workplaces, this approach is considered “survivor-centric” and, when applied by employers, is typically connected to strategies/initiatives associated with prevention and response to sexual harassment, harassment/bullying and/or discrimination situations. It is intended to support individuals experiencing or witnessing the above to have control in deciding to whom they will make a disclosure, to have options beyond the direct supervisor/manager for disclosure and support and to be protected from reprisal/retribution. By generating a more open environment for reporting, more people may bring forward complaints that otherwise may have gone unheard and unaddressed. When effective, this can improve accountability for inappropriate behaviour and improve organizational culture.

Considerations and Issues

The application of a “no wrong doors” approach may vary from employer to employer, ranging from an environment in which disclosures may be made to anyone within the organization; to a prescribed list of human resources, varied leadership representatives, and other contacts (e.g. central independent units, labour relations units, or contacts, external organizations – e.g. Manitoba Human Rights Commission, etc.); or a single “hotline” style approach. Clarity in the structure and process, as well as sufficient training,

education and awareness, are important to the successful implementation of a “no wrong doors” approach.

Advantages of this approach include accessibility and the ability to advance a concern in instances where more senior and executive leadership may be involved, and/or balance of power/bias concern (whether real or perceived) exists. A separate [study](#) on harassment prevention programs conducted by the University of Alberta further argued that having multiple avenues available for reporting increases recipient safety and support.

Various issues may occur with a “no wrong doors” approach. Karen Harlos, a University of Winnipeg professor with a background in psychology, and Sandra Wright, who conducted a [study](#) on workplace bullying, expressed caution in a “no wrong door” approach. MLT Aikins and Donna Miller/Helga D. Van Iderstine cited similar concerns to Harlos and Wright that informal systems for reporting harassment, such as open-door policies or anonymous hotlines, may result in organizational failures to address harassment properly. Wright’s study posited that policies that allow for reporting a supervisor to someone other than a supervisor, have a flaw that prevents victims from coming forward given that supervisors will still be made aware that a complaint is filed. Without proper protections established for the victim, the employee may be at risk of retribution.

Miller and Van Iderstine cited additional concerns including: clarity in understanding the distinction between disclosure and filing a complaint, consistency in response, concerns where a survivor/victim is required to tell their story in multiple instances, sufficient expertise and training within an organization to understand how to process, provide guidance and support possible next steps, in addition to the potential for matters not to be routed to the attention of a contact/entity that is tasked with addressing them.

“No wrong doors” tends to emphasize the disclosure or intake aspect of harassment reporting. The “survivor-centric” approach aims to reduce the burden placed on the individual reporting. The responsibility lands with the contact the individual chooses to disclose to. Expanding the options for intake points requires enhancing education and awareness about what to do if someone brings a complaint to you. Generally, supervisors and human resources are trained in how to respond. If an individual chooses a different pathway for reporting, that contact may not be as well informed about how to proceed, leading to delays or mishandling of the complaint.

MLT Aikins Review

In 2018, the Manitoba government commissioned MLT Aikins to complete the [Policy Review of Workplace Harassment and Sexual Harassment Policies, Practices and Procedures Report and Recommendations](#). This report informed many of the Manitoba government’s policy and procedure changes in the years since.

As part of the MLT Aikins review, given the Manitoba government environment, differences between individuals operating in the Manitoba Legislative Assembly and Manitoba government, the introduction of a “no wrong doors” approach was viewed as a proactive step to support alternatives to previous approaches for raising concerns. The review noted employee feedback indicated confusion over whether the “no wrong doors” initiative applied to all Manitoba employees or only the Manitoba Legislative Assembly and/or political employees. It further reported that employees generally agreed that it should apply to all employees in the Manitoba government environment to allow complaint reporting outside their direct chain of authority. The report also included the recommendation to include a bridging clause to have Manitoba government and the Manitoba Legislative Assembly cooperate and determine which policy should be followed based on particular circumstances in cases involving Manitoba government employees, Members of the Legislative Assembly and/or other Manitoba Legislative Assembly employees.

Challenges to these recommendations were identified, including the need to clarify what avenues are available for reporting and ensuring those receiving concerns know how to manage action and have the requisite training, given the wide range of behaviours. Potential challenges were highlighted with the existing ability of senior leaders to address more minor forms of disrespect directly, and should the “no wrong doors” approach be applicable to Manitoba government employees, it should be structured to ensure those receiving the complaint are not expected to address the complaint, but rather have the necessary information to understand how to respond and direct for immediate action.

It was noted in the report that research and best practices indicate that prevention and early intervention strategies are most effective, and for formal investigations by large employers, it is generally acceptable that internally trained investigators and/or human resource professionals should lead investigations. Internal investigations are appropriate to support a neutral, objective, and unbiased approach. Some instances may, however, require an external party. The recommendations spoke directly to highlighting or strengthening employee rights and protections in situations involving external employers.

Ultimately, the review recommended that the “no wrong doors” initiative be maintained but assessed further. Given the timing of the implementation of the initiative, the review was unable to determine its effect on reporting and addressing harassment complaints fully. The review proposed that should the initiative be maintained; consideration should be given to providing managers and supervisory staff at every level with training on how to react to harassment complaints in a timely manner by immediately referring the complaint to the appropriate avenue for resolution.

Literature Review: Key Findings

- When effective, “no wrong doors” approaches generate an environment that may encourage more people to bring forward complaints that otherwise may have gone unheard and unaddressed. This can improve accountability for inappropriate behaviour and improve organizational culture.
- Many challenges are associated with a “no wrong doors” approach unless efforts are made to streamline the communication flow and ensure proper training for individuals responsible for advancing complaints.
- Even with a “no wrong doors” approach, individuals may still fear reprisal knowing their supervisor will be involved at a later stage.
- Manitoba’s “no wrong doors” approach was too new to be evaluated as part of MLT Aikins external review in 2018. Since the report, Manitoba has acted upon all of the MTL Aikins report recommendations which support the overall implementation of the “no wrong doors” approach.

Jurisdictional Review and Comparative Analysis

Jurisdictional reviews via the interjurisdictional federal, provincial, and territorial Public Service Commissioners’ community of practice are undertaken regularly, typically driven by participating organizations, and areas of priority and review for their respective areas. Since 2018, a total of eight reviews associated with respectful workplace were undertaken. These ranged from reviews of policies, programs, and process features, including understanding avenues for complaints, complaint resolution, workplace restoration activities, and data for comparative benchmarking and prevention activities. No specific interjurisdictional review of a “no wrong door” approach, or approach to situations involving other employers, was noted in the results from the community of practice reviews.

A review of policies across jurisdictions noted that there is a varied approach to the number of reporting contacts and processes for reporting (i.e., from a single point of entry for complaints versus multiple contacts identified in a structured/prescribed manner). Overall, the Manitoba government appears to have the most broad and descriptive listing of reporting contacts and was the only jurisdiction noted to have bridging language in relation to incidents involving Legislative Assembly staff.

All organizations sampled in this review have a policy or standard that addresses harassment in the workplace. Although they require maintaining a scope of policy application for work-related activities, all agree that harassment can occur both within and outside the workplace. Several organizations selected for the comparative analysis, including the Manitoba government, noted their current policy and framework is under review. Still, the current policies align with relevant legislation (e.g. The Workplace Safety and Health Regulation and The Human Rights Code in Manitoba) and reflect their continued commitment to ensuring compliance with legal requirements. As such, it should be noted that the comparative analysis has been conducted based on existing policies, respecting that policy reviews are in progress.

The following comparative analysis put Manitoba's policy against the selected organizations to assess similarities, differences, and opportunities.

How is “no wrong doors” applied?

The term “no wrong doors” does not appear in the policies of any of the employers selected for this review.

The Manitoba government and the Manitoba Legislative Assembly integrate a “no wrong doors” principle by articulating multiple supports available for employees when they have experienced inappropriate behaviour, and by providing options for advancing concerns via the reporting contact lists. To this end, reporting contacts for each organization are clearly defined and articulated in policy and supporting resource documents. Reporting contacts for the Manitoba government are notably more expansive, likely attributable to the size of the organization.

The Manitoba government's reporting contact list can be found online at: <https://www.manitoba.ca/csc/respect/report-contact-support.html>

The Manitoba Legislative Assembly's reporting contact list can be found online at: https://www.gov.mb.ca/legislature/resources/pdf/reporting_contacts.pdf

The “no wrong doors” principle is applied at the initial intake stage of the process and both organizations identify in published materials how further stages in the process are managed/addressed. Reference materials are available online to promote access and transparency. For the Manitoba government, information on reporting contacts, processes and where to find additional resources online are integrated and promoted in the annual mandatory online training materials.

The University of Manitoba was noted as working to prioritize an approach that ensures that those who disclose are provided with clear information on available supports and accountability mechanisms, including formal reporting through the Office of Human Rights and Conflict Management (OHRM). This approach stems, partly, to challenges including disclosure-related education and awareness concerns.

How are harassment complaints processed when more than one organization is involved?

Most of the organizations appear to not have a provision regarding complaints involving external employers. However, the Manitoba government's respectful workplace policy incorporates specific language for the Manitoba Legislative Assembly (which is reciprocal). The following language included in the respectful workplace policies of each organization captures the commitment:

Public Service Commission – Respectful Workplace Policy: Addressing and Preventing Sexual Harassment, Harassment and Bullying

It is also recognized that employees covered by this policy have working relationships with employees covered under the Legislative Assembly Respectful Workplace Policy. The Legislative Assembly and the Manitoba government are committed to supporting respectful working relationships between all staff covered by their respective policies. If a matter comes forward involving staff covered by both policies, the Legislative Assembly and the government will work together as appropriate to address it in a way that respects the processes of each respective policy.

Manitoba Legislative Assembly – Respectful Workplace Policy: Addressing and Preventing Sexual Harassment, Harassment and Bullying

It is also recognized that employees covered by this policy have working relationships with employees covered under the Civil Service Commission Respectful Workplace Policy. The Legislative Assembly and the Manitoba government are committed to supporting respectful working relationships between all staff covered by their respective policies. If a matter comes forward involving staff covered by both policies, the Legislative Assembly and the government will work together as appropriate to address it in a way that respects the processes of each respective policy.

In contrast, Manitoba Hydro's policy noted that employees subject to discrimination or harassment by third parties may rely on its policies and procedures, while the University of Manitoba's Disclosure and Complaint procedure referenced the possibility of a joint investigation with another organization or institutional partner when it was determined that there are efficiencies in investigating formal complaints through joint investigation (while making reasonable provisions to respect confidentiality). This option suggests an opportunity to further enhance the Manitoba government's policy to accommodate other organizations or specific circumstances beyond the existing framework.

What are other aspects of the policy that ensure employees feel safe and respected at work?

Reporting Complaints Involving Senior Management and/or Political Staff

Most of the organizations have separate language in their policy to deal with complaints involving senior management or political staff. For instance, the Manitoba Legislative Assembly policy notes that formal complaints raised against a Member of the Legislative Assembly, Independent Officer of the Legislative Assembly, the Speaker, Clerk of the Legislative Assembly, Executive Director of Administration or Director of Human Resources, are immediately assigned to an independent external investigator.

Current policy of the Manitoba government assigns this responsibility to human resources or another level of management (up to and including the Clerk of the Executive Council) when the complaint involves senior management. Comparatively, this may suggest an opportunity to update the list of reporting contacts as well as adopt a policy to assign independent investigators to executive matters.

An updated reporting contact list would clarify multiple avenues for reporting including the Investigations Unit, Chief of Staff, and the Public Service Commissioner, particularly for scenarios in which senior management may be involved, and complaints relating to reprisal/retribution. The Manitoba Legislative Assembly may consider including reciprocal language in its reporting contact list, as the Manitoba government already includes information for Manitoba Legislative Assembly employees on its reporting contact list. For transparency and assurance, the reporting contact list should reiterate the protections for complainants under the respectful workplace policy.

Key Role of Supervisors and Managers in Addressing Workplace Complaints

Policies or standards, including the Manitoba government's, emphasized managers' key role in addressing complaints. The Manitoba government's respectful workplace policy details management responsibilities, including immediately responding if they observe or are advised of inappropriate behaviour, and not waiting for a formal complaint to be made to address it. To this extent, most organizations align. Of note, both the Manitoba government and Manitoba Legislative Assembly include the same language, as follows:

Any employee who experiences or witnesses behaviour in violation of this policy is encouraged to address it using the process outlined in this policy. More serious forms of inappropriate behaviour (e.g. sexual harassment, harassment/bullying and/or workplace violence) should be reported immediately to an appropriate reporting contact.

Employees are not required to make a formal complaint. However, supervisors are obligated to address an issue they have been made aware of, if necessary to maintain a harassment-free workplace for all

employees. If a supervisor observes or is advised of more serious forms of inappropriate behaviour (e.g. sexual harassment, harassment/bullying and/or workplace violence), they must **not** wait until a formal complaint is made to address it; rather, they have a responsibility to address it immediately.

The Manitoba government policy adds, "This pertains to concerns involving another supervisor, another supervisor's staff, a contractor, client (e.g. the public) and/or political staff." Similar language is included in the Legislative Assembly's Overview of the Resolution Process for Addressing Inappropriate Behaviour.

Investigation, Investigation Report and Findings Communication

Formal resolution of matters is undertaken in more serious cases of inappropriate behaviour or where informal resolution is unsuccessful. This appeared consistent across the policies reviewed.

In the Manitoba government, investigations are undertaken by a team typically led by human resources, including the Public Service Commission's Investigations Unit. An external investigator may be engaged if necessary due to the seniority level of individuals involved or complexity of a matter. Note that the Manitoba Legislative Assembly policy requires the use of an independent investigator for formal complaints involving Members of the Legislative Assembly.

Some organizations provide enhanced information in their supportive procedural documents regarding the risk assessment process and/or consideration of confidentiality and potential bias in the determination of the investigative team. Policies outline requirements for the resulting investigation reports and how findings are to be communicated (with consideration of confidentiality).

All organizations reviewed provide at minimum confirmation to the respondent and complainant of the completion of the investigative process and whether the matter was substantiated or unsubstantiated with some organizations providing additional summary details. For investigations involving Members of the Manitoba Legislative Assembly, a summary of findings is shared with the respondent, complainant and applicable caucus Chair.

All policies identify the employer as accountable for disciplinary action, if necessary. In relation to Members of the Legislative Assembly, the applicable caucus is responsible for any disciplinary action against a Member.

Confidentiality, Reprisal Protections and Workplace Restoration

The importance of confidentiality, protection against reprisal in the process and accountability for maintaining a safe and respectful workplace are addressed in all

organizations' materials, with most including additional information on workplace restoration accountabilities and/or post-incident supports. Again, the Manitoba government and Manitoba Legislative Assembly include the same language in their policies:

Reprisal is not permitted against an employee exercising their rights in good faith under this policy. Any act of reprisal will be cause for disciplinary action up to and including termination of employment. 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.

Within the Manitoba government, in addition to language in policy and supporting resource materials, understanding of confidentiality and zero-tolerance against reprisal are reinforced during the formal investigation process at multiple stages. This includes (1) during the initial contact by the investigative team with parties in the investigative process where concepts are communicated, (2) resource materials supplied to parties in advance of the interview (i.e. FAQ), (3) during the investigation interview where concepts are reviewed before the interview commences, and (4) at the reporting out stage when communicating finalization of the process with complainants, respondents and witnesses. The Legislative Assembly follows a similar process and approach in practice.

An opportunity to further strengthen reporting contact resource materials to reinforce protection from reprisal when receiving a complaint can further strengthen the existing framework. For the purpose of clarity, there may be value as well in further enhancing the accountability for workplace restoration in the Manitoba government beyond the "supervisory" level as other levels of management may have accountability depending on the particular circumstances.

Annual Reporting

Most organizations' policies articulate a periodic requirement to disclose the number of complaints received, with annual reporting timelines, but whether this is made public or provided to a designated officer/other contact is unique to the organizations. Similar to the University of Manitoba, some information to be incorporated into the report aligns with those the Manitoba government reports in the Public Service Commission Annual Report.

In comparison, the University of Manitoba was noted as capturing additional data including:

- Aggregated anonymized data on complainant and respondent roles.
- De-identified data on fairness factors such as the identity of investigators.
- A requirement to report on lessons learned from after-action reviews.

For the Legislative Assembly, the Speaker and Director of Human Resource Services for the Legislative Assembly disclose to the Legislative Assembly Management Commission the number of complaints received under the policy and at which stage they were resolved. Nature of the complaint or individuals involved are not disclosed in this process. These reports have occasionally been included in the Annual Report of the Legislative Assembly Management Commission.

Education and Training

For most organizations, education and training are considered mandatory and to be completed annually/bi-annually. Manitoba Hydro and the City of Winnipeg hold an additional mandatory requirement for employees to review and sign-off understanding of their respective policies. For new employees, this is part of their orientation and onboarding. An annual requirement is also noted for existing employees to read and acknowledge their ongoing understanding. Overall, the approach is similar to the Manitoba government's except for a policy sign-off requirement. Manitoba Legislative Assembly staff participate in mandatory training however there is no annual retraining requirement. Note, actual training material (e.g. course content) for organizations was not reviewed with the exception of training materials for the Manitoba government.

Supportive Resources

Organizations referenced having supportive resources during the complaint and reporting process. They include Employee and Family Assistance program(s) (to encourage engagement with resource that support addressing feelings and experiences with the complaint and/or investigative process); as well as workplace restoration actions and supervisor accountability to meet with employees to explore workplace restoration supports. Manitoba Hydro and the Manitoba government align in terms of avenues of support that include engaging a Respectful Workplace Advisor, with the Manitoba government providing access to additional [post-incident supports](#) and resources.

Alternatives to Formal Investigation

Similar to the Manitoba government, most participating organizations report having alternatives to formal investigation and remedial measures post-investigation to improve working relationships. The emphasis is often on the need to explore these alternatives prior to exploring formal investigation.

Jurisdictional Review and Comparative Analysis: Key Findings

- No organizations reviewed widely promote “no wrong doors” in policies.
- The language supporting cooperation between employers in the Manitoba government and Manitoba Legislative Assembly’s policies is unique to these organizations.
- The Manitoba government and Manitoba Legislative Assembly have nearly identical policies. The other organizations reviewed have policies with the same intent of ensuring respectful workplaces, including managing complaints and investigations, but are otherwise unique to the organization.
- The Manitoba government should mirror the Manitoba Legislative Assembly’s policy to assign investigations involving senior staff and human resources to an independent investigator to ensure individuals feel assured they will be free from reprisal or repercussions for bringing forward a complaint.
- The Manitoba government and Manitoba Legislative Assembly should maintain their coordinated approach by including reciprocal language on each others’ reporting contact lists. For transparency and assurance, the lists should reiterate the protections for complainants under the respectful workplace policy.
- All organizations provide, at minimum, confirmation to the respondent and complainant of the completion of the investigative process and whether the matter was substantiated or unsubstantiated with some organizations providing additional summary details.
- Supervisors are responsible for taking appropriate action on complaints and following investigations. There may be value as well in further enhancing the accountability for workplace restoration in the Manitoba government beyond the “supervisory” level as other levels of management may have accountability depending on the circumstances.
- To produce further analysis on complaints and investigations, the Manitoba government may consider collecting additional information, similar to the type collected by the University of Manitoba, as well as more specific information on the “avenue of complaint”.

- Most of the organizations reviewed, including the Manitoba government, require employees complete annual respectful workplace training. It was noted the Manitoba Legislative Assembly does not require retraining after completing the initial training.
- Alternatives to formal investigations are typically explored prior to initiating a formal investigation.
- The Manitoba government's approach to "no wrong doors" addresses common issues and risks associated with "open door" reporting systems identified in the Literature Review.

Data Analysis

Data provided by the Public Service Commission from 2018 to current shows information collected since the "no wrong doors" approach was introduced in the Manitoba government. There is less data available from the Manitoba Legislative Assembly as it is a smaller organization with fewer employees – 350 including MLAs compared to over 12,000 employees in the Manitoba government – and disaggregated data may pose a privacy concern to individuals involved. Data provided by the Manitoba Legislative Assembly and publicly available through annual reports indicates six complaints since revisions to the Assembly's respectful workplace policy were implemented in May 2019. The data analysis that follows focuses solely on the information provided by the Public Service Commission.

Avenue of Complaint

Consultation with the Investigations Unit supports greater understanding of the origin and avenues for complaint and whether employees are leveraging varied reporting contacts when submitting a complaint. While avenues of complaint are not currently tracked, findings from the consultation indicate that a number of avenues are currently utilized for advancing complaints including, but not limited to: human resource professionals, Investigations Unit, department contacts, executive leadership, the Public Service Commissioner, union, Respectful Workplace Consultant, and others listed on the reporting contact list. The majority of complaints in the public service were noted as coming through human resources, departments and the Investigations Unit. Information on the point of intake was noted as an area that could be further enhanced by integrating it into information tracking, as there may be instances in which a contact may have raised a matter indirectly through a human resource practitioner.

Complaints Involving a Respondent/Complainant from an External Employer

Consultation with the Investigations Unit supports greater understanding of complaints involving a respondent/complainant from an external employer. While this information is not currently tracked, findings from the consultation indicate that situations occur on a more exceptional basis. In instances involving the Manitoba Legislative Assembly, matters are managed through a collaborative approach in keeping with the principles of both applicable policies.

Additional Trends

A significant amount of information exists through the Public Service Commission's annual reports, supplement to the estimates of expenditure and annual employee engagement survey to inform understanding of additional trends, and support transparency of information. While additional data available may not directly contribute to an understanding of the "no wrong doors" approach or management of complaints involving an external employer, it does provide an overview of changes over time and insight on the workplace culture overall. A highlight of key trends observed, with supporting data summarized in Appendix C.

Beginning in 2017/18, Public Service Commission began publicly releasing statistics on the number of investigations related to sexual harassment, harassment and bullying, and other forms of misconduct.⁶ Based on annual data reported from the past two fiscal years, a 12 percent decrease in overall investigations was noted and attributed to efforts undertaken by the Investigations Unit's triage process in determining the best course of action for resolution. With respect to allegations, increased allegations between 2021/22 and 2022/23 were noted and attributed to changes in workplace interactions during and following the COVID-19 pandemic. With the return of more Manitoba government employees to the physical workplace, there was an increase in conflicts due to greater in-person interactions. A 20 percent reduction was subsequently noted between 2022/23 and 2023/24 associated with increased education and training.

Additional data on respectful workplace interventions outcomes, introduced in the Public Service Commission's 2021/22 annual report, contributes to understanding respectful workplace support activities separate from the formal investigation process. Through the Public Service Commission Respectful Workplace Advisor, a variety of interventions are applied from consultation, coaching, presentation, workshops, group facilitated conversations, mediation and workplace assessments. Consultation followed by coaching represent the more frequent alternate forms of intervention.

⁶ Publicly reported data is provided in an aggregate format and currently does not provide information considering (1) intake/avenues of complaint submissions, nor (2) instances that involve individuals from an external employer.

For 2021/22, the Public Service Commission expanded its statistical reporting to include performance measure data on complaints of sexual harassment and outcomes of investigations. Specifically, the measures: (1) decrease the number of substantiated respectful workplace complaints in the public service, and (2) achieve a minimum target completion rate of 50 percent of respectful workplace investigations completed within 30 working days of receipt of the complaint. Trends in both measures note targets were not achieved in 2023/24. For the former, this was due in part to greater engagement between employees as staff shifted from remote work to returning to the physical workspace post-COVID, with the latter associated with constraints beyond the investigators' control.

In the fall of 2020, the Public Service Commission revised the pre-existing required online Respectful Workplace and Harassment Prevention training course, relaunching an annual refresh requirement. Reflecting on the results for 2023/24, a total of 9,044 employees completed respectful workplace training. Ongoing tracking provides an ability to measure progress of annual training completion and support continued efforts in ensuring the education and awareness of employees.

Data Analysis: Key Findings

- While avenues of complaint are not currently tracked, consultations with the Public Service Commission's Investigation Unit indicate that a number of avenues are currently utilized for advancing complaints in alignment with the reporting contact list options.
- The Public Service Commission has expanded its data collection since 2018 and continues to identify opportunities for more analysis, including the need to start tracking avenue of complaint and complaints involving external employers.
- The Public Service Commission can analyze existing and forthcoming data to determine areas requiring attention and areas of success.

Tabletop Exercises

Tabletop exercises are conducted to simulate a response to a hypothetical yet realistic situation. The intention is to test the processes and systems outside of a real situation to assess current functioning and be better prepared if/when a similar situation should occur in the future.

Two tabletop exercises were conducted for the purpose of this report. The objectives of the tabletop exercises were to:

- Evaluate how harassment complaints are processed when a complaint requires the application of one or more organizations' harassment policies.
- Clarify the roles of the Clerk of the Executive Council, Public Service Commissioner and other contributors to the process.
- Identify areas for improvement to ensure individuals working with the Manitoba government feel safe and respected at work.

One exercise was conducted with the University of Manitoba representing complaints involving an external employer/other reporting entity; another was held with the Manitoba Legislative Assembly and Chief of Staff's office representing complaints involving Members of the Legislative Assembly and political staff under the Manitoba government respectful workplace policy. For the purposes of the exercises, participants were required to make assumptions around the scenarios. As noted by participants in both exercises, real life complaint scenarios are managed on a case-by-case basis and are handled according to the facts.

General Observations

In every case, the goal for all parties was to address the complaints in the most appropriate manner in accordance with their policy frameworks. Participants demonstrated a high degree of willingness to collaborate across organizations. Effective collaboration was supported by the strength of the participating human resource professionals' working relationships, knowledge of their own policies and processes, strong problem-solving skills, acumen, individuals' professional responsibilities and respect for due process.

Objective 1: Evaluate how harassment complaints are processed when a complaint requires the application of one or more organizations' harassment policies.

- Under existing policy frameworks, the employer maintains responsibility for matters of their employees' behaviour, therefore the respondent's employer would typically lead the investigation.

- The Manitoba government does not have a prescribed approach for establishing joint investigations, as consideration must also be given to the requirements of the other employer. Participants discussed establishing terms of reference outlining expectations for coordination and deliverables at the outset of a joint investigation. This is especially critical where privacy, confidentiality, policy process, collective agreement and disclosure requirements vary between employers. Joint investigations and multiple reports may be required and would be based on an assessment of the specific scenario, fact set and consideration of employer-specific requirements.
- In joint investigations, participating employers would strive to coordinate interviews to reduce the number of times complainants/witnesses would need to be contacted.
- Matters involving the Legislative Assembly are managed more seamlessly than matters involving other external employers because of the Manitoba government and Legislative Assembly's commitment to align policies and processes given the closeness of the organizations. The established working relationships between the two human resources teams greatly benefits their ability to work together. Additional terms of reference are not typically required.

Objective 2: Clarify the roles of the Clerk of the Executive Council, Public Service Commissioner and other contributors to the process.

- A point of clarification confirmed that matters involving Members of the Legislative Assembly are entirely managed by the Legislative Assembly Administration Branch. When a complaint is brought forward against a Member of the Legislative Assembly, the Speaker is notified and the policy requires that an independent external investigator is engaged. Upon completion of an investigation the summary of findings is shared with the complainant, respondent and applicable caucus chair. Under the Manitoba Legislative Assembly policy, the caucus is responsible for any disciplinary action taken against a member found to have violated the policy. The Manitoba Legislative Assembly's respectful workplace policy itself is not able to address discipline for Members of the Legislative Assembly as The Assembly (constituting all 57 elected representatives) is the only body that can sanction or limit its Members in the carrying out of their constitutional and representative roles, responsibilities and functions. The Chief of Staff's office is not entitled to findings of an investigation involving Members of the Legislative Assembly, including ministers, unless they are a respondent or complainant in the matter.
- Further clarifying, in addition to Members of the Legislative Assembly, the Manitoba Legislative Assembly's policy specifies independent investigators are immediately assigned to formal complaints involving any of the following senior level employees: an Independent Officer of the Legislative Assembly, the Speaker,

Clerk, Executive Director of Administration or Director of Human Resource Services.

- Independent investigators are also engaged by the Public Service Commission to investigate complaints involving senior officials (e.g. deputy minister) but this is not stated in policy. It is done in practice, and senior officials/executives may not be aware of this practice, which could limit their interest in bringing forward a complaint.
- Participants recognized the Clerk of the Executive Council and Public Service Commissioner as possible reporting contacts under “no wrong doors” principles. For the purposes of the exercises, assumptions were made that the Public Service Commissioner and the Clerk of the Executive Council would both engage the necessary contact points to proceed with a complaint. As they are among the highest-ranking public servants, it is likely executives and senior officials would come to them with complaints. Recognizing the potential complexity and sensitivity of matters at this level, including power imbalances and risk of retaliation, it is crucial that all steps in the process are managed appropriately.
- When a complaint is made to a reporting contact that is not otherwise involved in the scenario (for example as supervisor, witness or respondent), they may not be required or entitled to participate in an investigation. They would be engaged if their participation is relevant to the investigation (e.g., a witness). Formal investigation, where required, would be led by an investigative team that recommends whether allegations are founded or unfounded, for consideration by the applicable level of management (i.e. employing authority). If the reporting contact is not the supervisor, they are not entitled to findings or responsible for carrying out post-incident supports/monitoring and workplace restoration. They may be made aware when a complaint has been resolved, although there is no requirement for such a communication. In a situation where the supervisor is the respondent, the appropriate level of management would be entitled to findings and responsible for carrying out post-incident support/monitoring and workplace restoration activities.

Objective 3: Identify areas for improvement to ensure individuals working with the Manitoba government feel safe and respected at work.

- **Ensure employees know their options for reporting contacts.** The reporting contact list can be better promoted to ensure employees know they have options for reporting to someone other than their supervisor. The reporting contact list represents the best options for making a complaint; rather than a broad “no wrong door” approach, the reporting contact lists provides many appropriate avenues. Adding the Public Service Commission’s Investigation Unit to the reporting contact list will give employees one more appropriate option for reporting. When a

complaint is made with human resources (either directly or as a result of another contact advancing the complaint), the most appropriate course of action can be determined most efficiently.

- **Ensure reporting contacts know what to do when they receive a complaint.** Successful routing of a complaint depends on the point of contact's knowledge of how to advance a complaint. The current expectation is that the individuals on the reporting contact list will exercise good judgement on how to proceed. Given the range of contacts on the list, from human resources to deputy ministers, some contacts will have better base knowledge than others. Reporting contacts, especially those outside of human resources, should be periodically reminded of their responsibilities as a reporting contact (e.g. an annual memo).
- **Clarify the role of reporting contacts throughout and following an investigation.** Current policy and associated resource documents outline roles and information flow however may not be well understood. Decisions on who is entitled to follow-up, and what type of follow-up should continue to be made from the outset of the investigation. Initial reporting contacts may not have further involvement in an investigation yet may feel accountable for ensuring the matter is resolved. Adopting a new requirement to ensure the initial reporting contact is notified when a complaint they advanced is resolved would promote accountability.
- **Reduce touchpoints.** Complaints received through a "no wrong doors" approach may go through several touchpoints prior to being received by a reporting contact, possibly delaying response, allowing inappropriate behaviour to continue, or creating opportunities for complaints to get lost. Ensuring employees know about the reporting contact lists and that reporting contacts are equipped to manage complaints should help reduce touchpoints.
- **Continue relationship-building activities with external employers.** Participants agreed the tabletop exercises were valuable not only for addressing the objectives, but for strengthening/maintaining working relationships and open dialogue.
- **Offer tabletop exercises in training environments.** The Manitoba government may provide support for staff to facilitate similar tabletop exercises among senior leadership teams to practice their skills so they can be better prepared if/when they are involved in a complaint scenario.
- **Continue to learn from other organizations.** The University of Manitoba shared a best practice used within their organization: after-action reviews. The purpose of an after-action review, similar to the tabletop exercise, is to identify what worked well/what could be improved in a future situation, based on the outcome(s) of a real event. The Manitoba government may follow up with the university for more

information on the findings of their after-action reviews. The Manitoba government may also consider conducting after-action reviews following investigations of a certain level of complexity that could inform opportunities for improvement.

- **Emphasize the employer’s role to protect internal employees with complaints against external respondents.** The current policy framework seeks fairness for the complainant and the respondent. As the employer responsible for an investigation, the Manitoba government reasserts its role and responsibilities to all parties involved in managing participants’ expectations. There should be further clarity for individuals in circumstances involving external employers, for example when a Manitoba government employee has a complaint against an external individual. This scenario may be handled jointly between the employers. As the employer, the Manitoba government’s obligation to ensure a safe workplace is the same whether an employee has a complaint against another employee or an external individual. The Manitoba government will undertake a risk/support assessment when appraised of a respectful workplace complaint and take the necessary steps to protect the employee and ensure workplace restoration measures. The external employer is responsible for managing repercussions for the respondent if, required.

Evolving Expectations

Noting society’s continued evolution since “no wrong doors” was first introduced, Premier Kinew asked that this review consider if Manitoba’s “no wrong doors” approach is keeping up with society’s expectations for the standard of safe workplaces. By reviewing policies and processes of other jurisdictions and major employers in Manitoba, it is confirmed that the Manitoba government has a robust respectful workplace policy framework on par with or exceeding counterparts. The Public Service Commission maintains a policy review schedule to ensure the government’s respectful workplace policy is regularly updated to meet emerging needs and shifting realities. The Public Service Commission is currently completing a policy review, which began prior to the request to review the “no wrong doors” approach.

Society’s expectations around safe workplaces have evolved immensely stemming from the #MeToo movement, around the time Manitoba announced the “no wrong doors” approach. The Public Service Commission and Legislative Assembly both require that all allegations of sexual harassment must be reported to human resources (specifically the Investigations Unit in the Manitoba government). This acknowledges the seriousness of sexual harassment allegations. It also reinforces accountability upon those receiving complaints to take action on behalf of the complainant. Human resources staff are equipped with training, skills and knowledge to manage sexual harassment allegations. Engaging human resources ensures an unbiased examination of the complaint, and that

the complaint is logged in corporate reporting. This provides human resources with a better line of sight into the prevalence of sexual harassment in the organization, which could be useful for addressing systemic issues or patterns of complaint, if evident.

A broader challenge with using the term “no wrong doors” without a definition is that it can lead to individual interpretations to the extent of “safety” provided to complainants. That is, individuals may determine their own expectations in the absence of clear explanations about what it means to make a complaint through alternative avenues. It is possible that the interpretation of “no wrong doors” in 2018 is not the same as 2024. However, six years later, the more appropriate question may be: does “no wrong doors” hold meaning with current employees? It is not used in any of the employers’ policies, training or other documentation. If the term resonates with the organization, it should be defined to limit confusion about the intent and extent of “no wrong doors” reporting.

Recommendations

Through the exploration of other jurisdictions, practical exercises and discussions with human resources, several opportunities to improve the Manitoba government’s approach to harassment reporting came to light. These recommendations serve to strengthen the existing framework and expand on the considerable efforts taken since 2018 to create safer, more respectful workplaces in the Manitoba government. Implementing these changes supports the Manitoba government’s commitment to an ethical and respectful public service, free of all forms of harassment, including sexual harassment and bullying.

Many of the following recommendations can be actioned by the Public Service Commission immediately without additional direction or approval. The Public Service Commission should also review the entirety of this report for additional insights that may improve systems for harassment reporting. As the Manitoba government and Manitoba Legislative Assembly have a successful history of aligning respectful workplace policies, the following recommendations refer to both employers, where relevant:

- Adopt a policy to support joint investigations with other employers by expanding on the current reciprocal language used by the Manitoba government and the Manitoba Legislative Assembly to work together as appropriate to address matters in a way that respects the processes of their respective policies.
- Reaffirm the Manitoba government and Manitoba Legislative Assembly’s commitment as employers to prioritize workplace restoration and continued protection of their employees when the employer is aware of complaints involving individuals outside of the employer’s jurisdiction, such as external contacts.

- Establish a communication protocol to ensure reporting contacts are appropriately informed when a complaint they advanced is resolved.
- Continue to work with the Manitoba Legislative Assembly in alignment with the organizations' commitments to coordinate respectful workplace policies, processes and improvements.
- Update the reporting contact lists published by the Manitoba government and the Manitoba Legislative Assembly to include the reporting contacts for each employer, as well as add the Clerk of the Executive Council, the Public Service Commissioner, the Public Service Commission's Investigation Unit and the Chief of Staff.
- Ensure individuals on the reporting contact lists, including deputy ministers, are reminded periodically of their responsibilities and the supports available to them as reporting contacts. Send the first reminder immediately.
- On an on-going basis, promote information to employees about reporting contact lists and their options for reporting to someone other than their supervisor.
- Implement a regular practice of tabletop exercises and after-action reviews to identify operational opportunities for future events and to improve coordination with collaborators, including external employers.
- Allow staff of the Manitoba Legislative Assembly to access training materials online, including the Manitoba government's respectful workplace training, to promote more frequent education on respectful workplace policies in the broader Manitoba government environment unless other mandatory annual training is implemented.
- Formalize the Manitoba government's current practice of hiring independent investigators for matters involving senior officials and executive staff, mirroring the approach of the Manitoba Legislative Assembly policy for formal complaints raised against Members of the Legislative Assembly, senior staff and human resources.
- Any further review of the "no wrong doors" approach that includes consulting with employees should be conducted by a third-party to assure participants feel safe and protected when sharing their own experiences or perceptions of the current process.

Conclusion

The Manitoba government supports a "no wrong doors" approach to harassment reporting through current policies, processes and practices. While the term "no wrong doors" is not

defined by policy, the intent has been adopted through many improvements since 2018. The Manitoba government's approach to "no wrong doors" is designed to mitigate common issues and risks associated with "open door" reporting systems. This includes: concentrating the scope of reporting contacts, creating the Investigations Unit for the public service, establishing data collection systems, and implementing a trauma-informed approach to investigating by seeking to limit the number of times a complainant must tell their story.

Results of the review found Manitoba has a robust policy and framework for harassment reporting. The respectful workplace policy is transparent, provides detailed information and outlines clear expectations regarding the investigation process, reporting, and the use of a variety of methods to communicate and enhance policy understanding within the organization. Current efforts also demonstrate that work is actively underway to continue to enhance processes, collect data to better inform activities, drive improvements in processes, monitor progress and support transparency to the public.

Education and awareness are paramount to ensuring the good intentions of the existing policy framework are fully executed. Employees must be better informed about their options for reporting through the reporting contact list; and reporting contacts must be educated on how to proceed when someone comes to them for help. Ensuring reporting contacts are informed when a complaint they advanced has been resolved will increase accountability and reinforce the responsibility upon reporting contacts to appropriately address complaints.

As the Manitoba government is committed to fostering a work environment that is respectful and free of all forms of harassment, including sexual harassment and bullying, the recommendations of this review should be gladly considered for implementation. The Manitoba government will continue being a collaborating partner with external employers, including the Manitoba Legislative Assembly, to address matters related to the safety and wellbeing of its employees.

APPENDIX A: Manitoba Government Respectful Workplace and Harassment Prevention Policy Definitions

The following is a summary of definitions as articulated in Manitoba government's Respectful Workplace and Harassment Prevention Policy, effective February 26, 2022.

Behavioural Definitions

The following definitions describe a spectrum of behaviours that vary in severity. A detailed tool has been developed for employees and supervisors that provides specific examples of the varying types of behaviour: [Overview of the Resolution Process for Addressing Inappropriate Behaviour](#).

Respectful Behaviour: This behaviour values diversity, inclusion, dignity, courteous conduct, mutual respect, fairness, equality, and promotes positive communication and collaborative working relationships.

Inappropriate Behaviour: This is an overarching term used to describe disrespectful behaviour, sexual harassment, harassment, bullying and/or workplace violence.

Disrespectful Behaviour: This behaviour is disruptive to positive communication, courteous conduct and collaborative working relationships (e.g. gossip, interruptions). Behaviour may also be disrespectful if it does not value diversity, inclusion, dignity, fairness and equality. More objectionable and severe forms of disrespectful behaviour are considered harassment and/or bullying.

Bullying: See *Harassment* definition.

Harassment: The policy uses **The Manitoba Workplace Safety and Health Act and Regulation definition of harassment, which** defines two different forms of harassment:

- Objectionable conduct that creates a risk to the health of a worker
- Conduct is objectionable if it is based on 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; and/or
- Bullying behaviour
- This behaviour includes severe conduct that adversely affects a person's psychological or physical well-being. Conduct is considered severe if it is:

- repeated humiliation or intimidation that adversely affects a person's psychological or physical well-being; or
- a single instance so serious that it has a lasting, harmful effect on a person.

Harassment may be written, verbal, physical, online or electronic, a gesture or display, or any combination of these. It may happen only once, but often happens repeatedly.

Sexual Harassment: This form of harassment is based on sex, gender (how one identifies including gender identity or expression or gender-determined characteristics) or sexual orientation. Sexual harassment can be sexual in nature but can also include any form of harassment based on sex, gender or sexual orientation. Sexual harassment can also refer to behaviour that creates or permits a sexualized or sexually charged, or a negative / poisoned work atmosphere.

Sexual harassment includes, but is not limited to:

- Abusive remarks or behaviours based on sex, gender or sexual orientation
- Objectionable and unwelcome sexual solicitations or advances
- A reprisal, retaliation or threat of retaliation for rejecting a sexual solicitation or advance
- A reprisal or threat of reprisal for filing a sexual harassment complaint

Sexual harassment may be written, verbal, physical, online or electronic, a gesture or display, or any combination of these.

Workplace Violence: This term refers to the attempted or actual exercise of physical force against a person, or any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person. Workplace Safety and Health Regulation, M.R. 217/2006

Procedural Definitions

Complainant: This term refers to a person who files a complaint alleging a violation of this policy.

Disciplinary Action: Disciplinary action may be taken at the conclusion of a formal resolution process when an employee has been found to have engaged in activities contrary to this 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
- notification of the appropriate authorities (e.g. local police)

Formal Resolution: Formal resolution is an approach used to address inappropriate behaviour when informal resolution is not successful, or for more serious cases of inappropriate behaviour (e.g. sexual harassment, harassment/bullying, workplace violence). Formal resolution may involve:

- A complaint made verbally or in writing to an appropriate reporting contact.
- A verified statement from the complainant.
- An investigation by a third party, normally human resources.
- Disciplinary action to resolve the issue, if required.

Human resources 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.

Informal Resolution: Informal resolution is a confidential, collaborative, problem solving approach often used to address less severe forms of inappropriate behaviour (e.g. disrespectful behaviour) and to establish expectations to ensure future behaviour is respectful. Examples of informal resolution include:

- 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).

Employee: As defined in section 3(2) of The Public Service Act, an employee of the core public service means the Clerk of the Executive Council, the other deputy ministers and the employees in positions within the departments of government.

Reasonableness: This term is used to describe the actions or approach that a person with sound judgement would take under a given set of circumstances at a point in time. Reasonableness is used when assessing impacts of disrespectful behaviour, sexual harassment, harassment and/or bullying.

Reporting Contact: Refers to a person who can receive a formal complaint of inappropriate behaviour in violation of this policy. A list of the reporting contacts are located [here](#).

Respondent: Refers to a person alleged in a complaint to have been in violation of this policy.

Substantiated Allegation: Refers to a behaviour/incident being established as having likely occurred after considering the available information.

Unsubstantiated Allegation: Refers to a behaviour/incident not being established as having likely occurred after considering the available information.

Workplace: Can refer to any building, site, workshop, structure, mine, mobile, vehicle, or any other premises or location whether indoors or outdoors in which one or more workers, or self-employed persons, are engaged in work or have worked. <https://web2.gov.mb.ca/laws/statutes/ccsm/w210e.php>

Workplace Restoration: Refers to the establishment or re-establishment of respectful working relationships so employees can move forward following resolution of a situation involving inappropriate behaviour.

APPENDIX B – Highlight of Policies from Selected Employers for Review

Employer & Policy/ Guiding Document	Policy effective/ revision date ⁷	Purpose	Application	Supportive Policy Documents
Manitoba government Respectful Workplace and Harassment Prevention Policy	Feb 26, 2022	The Manitoba government has in place an overarching policy that falls under the umbrella of a code of conduct. The policy states the Manitoba government's commitment to an ethical and respectful public service and provides direction and measures to assist core public service employees in recognizing, preventing and effectively addressing disrespectful behaviour including sexual harassment and bullying.	<p>This policy applies to all members of the core public service of the Manitoba government, as defined in The Public Service Act, and their interactions with:</p> <ul style="list-style-type: none"> • other employees • contractors • members of the public • members of the Legislative Assembly including Cabinet ministers • members of the allied public service, as defined in The Public Service Act, section 3(4) • members of the broader public service, as defined in The Public Service Act, section 3(3) <p>The policy applies to the workplace itself, activities connected to the workplace, recognizes employee interactions may occur outside of the workplace/work hours; and specifies application to off-duty conduct.</p> <p>Policy recognizes working relationships with individuals under the Legislative Assembly policy and states in instances in which matters involving staff covered by both policies, that both employers will work together as appropriate to address in a way that respects the processes of each policy.</p>	<ul style="list-style-type: none"> • Manitoba Government Code of Conduct • Overview of the Resolution Process for Addressing Inappropriate Behaviour • Reporting Contacts and Post-Incident Reporting • General Guide to Receiving a Respectful Workplace Complaint • Complaint Form • Sexual Awareness Campaign materials
Manitoba Legislative Assembly	May 9, 2019	The Manitoba Legislative Assembly has in place an overarching policy. The policy states how every employee is entitled to work in an environment that is respectful and free of all	<p>This policy applies to:</p> <ul style="list-style-type: none"> • All members of the Manitoba Legislative Assembly (MLA), • Staff employed by MLAs (Constituency Assistants), and 	<ul style="list-style-type: none"> • Overview of the Resolution Process • Reporting Contacts and Post-Incident Supports

⁷ This date is a reflection of either the most recent effective or revision date, whichever is most recent.

<p>Respectful Workplace Policy: Addressing and Preventing Sexual Harassment, Harassment and Bullying</p>		<p>forms of harassment, including sexual harassment and bullying.</p> <p>The policy outlines the expectations of behaviours, roles and responsibilities, and process for addressing inappropriate behaviours.</p>	<ul style="list-style-type: none"> • Employees of the Legislative Assembly, including staff of the Non-Political and Political Offices of the Assembly. <p>The policy covers interactions with:</p> <ul style="list-style-type: none"> • Employees of the political and non-political offices of the Legislative Assembly • Members of the Legislative Assembly • Constituency Assistants • Civil servants • Contractors • Members of the public • Political staff including Cabinet ministers <p>The policy applies to the workplace itself, activities connected to the workplace, recognizes employee interactions may occur outside of the workplace/work hours; and specifies application to off-duty conduct.</p> <p>Policy recognizes working relationships with individuals under the Legislative Assembly policy and states in instances in which matters involving staff covered by both policies, that both employers will work together as appropriate to address in a way that respects the processes of each policy.</p>	<ul style="list-style-type: none"> • General Guide for Receiving a Respectful Workplace Complaint • Complaint Form
<p>City of Winnipeg</p> <p>Respectful Workplace Administrative Standard</p>	<p>Jan 2021</p>	<p>The City of Winnipeg has an administrative standard for respectful workplace that falls under the broader umbrella of a code of conduct.</p> <p>The standard states how every employee is entitled to work in an environment that is respectful, entitled to be treated fairly, with dignity and free from harassment or discrimination.</p>	<p>This standard applies to all City of Winnipeg employees. The standard recognizes working relationships with Members of Council and their staff, including the Core of Conduct for Members of Council recognizes City Council Member's obligation to treat City staff with respect and the City's same commitment to Council Members and their employees.</p> <ul style="list-style-type: none"> • The workplace is defined as any City of Winnipeg building, building site, workshop, structure, mobile vehicle, or any other premises or location, whether 	<ul style="list-style-type: none"> • Code of Conduct Policy • HR-002 Respectful Workplace Standard • Respectful Workplace Statement of Commitment • Code of Conduct for Members of Council Complaint Procedures • Workplace Violence Prevention and Response Standard

		The standard outlines the expectations of behaviours, roles and responsibilities, and process for addressing inappropriate behaviours.	indoors or outdoors, and all City employees who are engaged in City of Winnipeg work.	
<p>University of Manitoba</p> <p>Respectful Work and Learning Environment Policy (RWLE)</p> <p>RWLE Disclosure and Complaints Procedure</p> <p>Sexual Violence (SV) Policy</p> <p>Violent or Threatening Behaviour (VTB) Policy</p> <p>NOTE: The Office of Human Rights and Conflict Management is responsible for the implementation of the RWLE Policy, the Sexual Violence Policy and the Disclosures and Complaints Procedure. The Violent or Threatening Behaviour Policy and Procedure is under UM Security Services.</p>	<p>RWLE: Sep 29, 2020</p> <p>SV: Sep 29, 2020</p> <p>VTB: Sep 1, 2016</p>	<p>RWLE: Policy is to: (a) Promote and support a respectful work and learning environment at the University; and (b) Ensure compliance with relevant legislation, including The Human Rights Code (Manitoba), The Workplace Safety and Health Regulation (Manitoba), and The Freedom of Information and Protection of Privacy Act (Manitoba). The policy outlines the expectations of behaviours, roles and responsibilities.</p> <p>SV and VTB: More specific policy statements that outline organizational expectations and commitments (e.g. education, awareness, training, ensuring reduction of barriers etc.). For SV, emphasis on trauma-informed/intersectional approach – e.g. individuals will not be asked to repeat accounts more than is necessary – assurance of compassion, dignity, respect and supports provided during the process.</p> <p>The procedural documents outline expectations for conduct and the process for addressing inappropriate behaviour(s).</p>	<p>Application of policies and procedures are articulated for members of the University Community:</p> <ul style="list-style-type: none"> • Board of Governors members • Senate members • Faculty/ College, School Councils • Employees • Anyone holding an appointment at the University of Manitoba • Students • Volunteers • External parties • Contractors and suppliers <p>Scope of application for members of the university Community in relation to a “University Matter.” This term is defined as any activity, event or undertaking in which a member participates, which has a substantial connection to the university. A detailed outline of examples is provided to support clarity within the supportive policy/procedures.</p>	<ul style="list-style-type: none"> • Disclosures and Complaints Procedure • Violent or Threatening Behaviour Procedure • RWLE Info Sheets • OHRM Homepage - information on process, submission templates, guidance on responding to complaints and more <p>NOTE: The Office of Human Rights and Conflict Management is accountable for:</p> <ul style="list-style-type: none"> • Development and maintenance of both policies • Provision of information on policies and procedures • Handling inquiries including discussion of concerns, and provision of supports and resources to address discrimination, harassment, sexual violence and conflict for all members of the UM community.
<p>Manitoba Hydro</p> <p>Discrimination and Harassment Free Workplace (DHFV) Policy</p>	<p>Annually reviewed</p>	<p>The DHFV policy falls under the umbrella of a code of conduct and defines, sets out the rights and responsibilities of employees and a process for addressing instances of</p>	<p>This policy applies to all employees and subsidiaries.</p> <p>The policy applies to the workplace itself, activities connected to the workplace (e.g. attending Hydro-related or sponsored activities), recognizes employee interactions may occur</p>	<ul style="list-style-type: none"> • Code of Conduct • Discrimination and Harassment Free Workplace Sign-off (not available for review)

Violence in the Workplace Policy (not available for review)		experienced or observed harassment or discrimination.	<p>outside of the workplace/work hours; and specifies off-duty conduct may be subject to review.</p> <p>Policy articulates that third parties, including but not limited to contractors, volunteers and visitors to Manitoba Hydro are expected to conduct themselves in a manner consistent with the policy. Employee subject to discrimination or harassment by third parties can rely on the policy and procedures.</p>	
United Way Winnipeg	N/A	The policy outlines United Way's stance on harassment and violence prevention, and outlines clear expectations regarding employee behavior and accountabilities, definitions relating to violence and harassment prevention, applicable situations, and reporting and investigation procedures.	<p>The policy outlines that violence and harassment can take place in any of the following:</p> <ul style="list-style-type: none"> • At the workplace • All employment-related functions • In the course of work assignments outside the workplace • During work-related travel • Over the telephone, if the conversation is work-related • Elsewhere, if the person is harassed, is their because of work-related responsibilities or a work-related relationship. 	<ul style="list-style-type: none"> • Respectful Workplace and Violence & Harassment Prevention
<p>Government of British Columbia</p> <p>Discrimination, Bullying and Harassment in the Workplace Policy</p>	Feb 14, 2022	The policy falls under the umbrella of a code of conduct and defines, sets out the rights and responsibilities of employees and a process for addressing instances of experienced or observed harassment or discrimination.	<p>This policy applies to all appointees and employees appointed under the Public Service Act.</p> <p>The policy applies to the workplace itself, activities connected to the workplace, recognizes employee interactions may occur outside of the workplace/work hours; and specifies application to off-duty conduct.</p> <p>Political staff as defined by the Public Service Act section 15(1) are covered under the separate Ethics and Standards of Conduct for Political Staff. Political staff in this context would include the Chief of Staff to the Premier, political staff providing support to a minister or the Premier.</p>	<ul style="list-style-type: none"> • Standard of Conduct • Additional specific procedures may be articulated in various collective agreements. • Ethics and Standard of Conduct for Political Staff

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APPENDIX C – Additional Data Analytics for the Manitoba Government

Summary of Investigation and Interventions Related to Sexual Harassment, Harassment/Bullying, and Other Forms of Misconduct.

Summary of Investigations							
Allegation Type	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Sexual Harassment							
Number of Investigations	12	22	24	16	3	9	5
Number of Allegations	20	28	32	20	3	10	5
Number of Respondents	19	38	29	17	3	10	5
Number of Substantiated Allegations	7	19	20	13	3	5	4
Number of Unsubstantiated Allegations	13	9	12	7	0	5	1
Disrespectful Behaviour							
Number of Investigations	80	116	73	74	92	109	59
Number of Allegations	105	178	110	129	115	310	101
Number of Respondents	100	163	91	106	107	146	70
Number of Substantiated Allegations	63	84	57	58	74	145	49
Number of Unsubstantiated Allegations	42	94	53	71	41	165	45
Other Misconduct							
Number of Investigations	286	302	194	194	104	57	79
Number of Allegations	351	377	275	266	164	77	155
Number of Respondents	300	360	229	222	121	64	92
Number of Substantiated Allegations	300	286	211	228	113	49	115
Number of Unsubstantiated Allegations	51	91	64	38	51	28	35
TOTALS							
Number of Investigations	378	440	291	284	199	175	143
Number of Allegations	476	583	417	415	282	397	261
Number of Respondents	419	561	349	345	231	220	167
Number of Substantiated Allegations	370	389	288	299	190	199	168
Number of Unsubstantiated Allegations	106	194	129	116	92	198	81

NOTES:

1. These investigations do not include investigations covered under The Public Interest Disclosure (Whistleblower Protection) Act, as these are reported by departments in separate annual reports.
2. Investigations are conducted formally and involve the establishment of an investigation team with representatives from human resources and management of the department. The counts of investigations completed do not include any investigations in progress at the end of the fiscal year.
3. An investigation may involve more than one allegation and may also have overlap in the types of allegations.
4. The counts of respondents investigated do not include any respondents from investigations in progress at the end of the fiscal year.
5. Substantiated allegations may result in outcomes that include a range of disciplinary action, training, education, mediation or a combination of these outcomes.
6. Other forms of misconduct may include, but not be limited to, behaviour such as attempted fraud, conflict of interest or other inappropriate conduct.
7. Complaints may involve more than one allegation and may also have overlap in the types of allegations.

Complaint and Investigation-related Performance Measures

For 2021/22, the Public Service Commission expanded its statistical reporting to include performance measure data on complaints of sexual harassment and outcomes of investigations.

Table 1: Performance Measure	Baseline	2022/23 Actual	2023/24 Target	2023/24 Actual
Decrease the number of substantiated respectful workplace complaints in the public service.	71	154	146.3	49
Achieve a minimum target completion rate of 50% of respectful workplace investigations completed within 30 working days.	38%	14%	50%	7%

Decrease the number of substantiated respectful workplace complaints in the public service: The number of substantiated respectful workplace complaints demonstrates the most objective indicator of the presence of disrespectful behaviour in Manitoba’s core public service, including sexual and general harassment, and bullying.

This measure helps to inform opportunities for the Public Service Commission to continue to build awareness and offer training and other resources to increase respect in Manitoba’s core public service. The baseline was established in 2019/20, and a five percent reduction in substantiated complaints from the previous fiscal year was identified as a target. In 2022/23, the target was not achieved due in part to greater engagement between employees as staff shifted from remote work to returning to the physical workspace post-COVID.

Every effort is made to investigate respectful workplace issues within 30 working days of receipt of complaint. A baseline was established in 2021/2022 with a target of completing at least 50 percent of respectful workplace complaints within 30 working days.

Respectful Workplace Intervention Data

Additional data on the summary of respectful workplace interventions provides information on other holistic approaches to interventions beyond investigations undertaken via the Public Service Commission Respectful Workplace Advisor. Data reporting in Public Service Commission annual reports was introduced for the 2021/22 fiscal year period. In consultation with internal Public Service Commission staff, work is underway to collect and integrate data on interventions supported via HR Business Partners for more comprehensive insights in this area.

Table 2: Summary of Respectful Workplace Intervention Outcomes		
	2022/23	2023/24
Skills Building		
Consultation	102	96
Coaching	29	23
Presentation	26	1
Workshop	3	15
Sub-Total Files	160	135
Direct Intervention – Conflict Resolution		
Group Facilitated Conversation	11	4
Mediation	11	11
Workplace Assessment	3	3
Sub-Total Files	25	18
TOTAL FILES	185	153

NOTES:

1. This table reflects any method that informs and encourages involved parties to assess all conflict resolution options and to decide which steps, if any, they might wish to pursue.
2. Consultation: Any inquiry related to respectful workplace matters, seeking guidance and direction from the Respectful Workplace team (Respectful Workplace Advisor (RWA) & Respectful Workplace Consultant (RWC).
3. Group Facilitated Conversation: A process, including up to 3-6 people at a time, intended to lend team support around interpersonal conflict.
4. Coaching: Providing strategies or recommendations on the method of delivering respectful workplace information.
5. Mediation: Formal method to assist with resolving interpersonal conflict through third party facilitated discussions.
6. Presentation: a presentation on policy, policy application and RWC/RWA roles supporting employees.
7. Workplace Assessment: Involves a meeting with employees at all levels in the work area/unit, resulting in a summary of findings with insights on workplace restoration measures.

Employee Perspectives – Employee Engagement Survey

The Public Service Commission leads the Employee Perspective Program (EPP), an annual survey that connects senior government decision-makers directly to employee insights. The annual survey gathers employee perspectives on important engagement topics, including respect in the workplace. The goal of engagement with employees remains the same – to support respectful, innovative, and healthy workplaces and to enhance diversity, inclusion and cultural safety within the public service.

Relevant indicators have been included in historical employee engagement surveys dating back to 2013 (including “I am treated respectfully at work,” and “I have positive working relationships with my coworkers”) and in 2018 (“The Manitoba government provides access to respectful workplace resources and supports.”)

Agreement with the statements “I am treated respectfully at work” and “I have positive working relationships with my co-workers” received the highest agreement scores in 2021 at 82.3 percent and 90.3 percent, respectively. Both continue to remain generally high, with slight dips and climbing back up in 2024 as follows:

- I am treated respectfully at work – 79.2 percent
- I have positive working relationships with my co-workers – 90.3 percent

Agreement with the statement, “The Manitoba government provides access to respectful workplace resources and supports,” experienced a similar trend,

In considering employee demographics in the 2024 survey, Indigenous employees and those who identify as having a disability remain less likely to agree with culture- related statements, such as having positive relationships with coworkers, feeling included in the workplace and being treated respectfully at work. Respondents who identify as a visible minority and immigrants are more likely to agree they are provided access to respectful workplace resources and feel included in their workplace. In contrast, those who identify as having a disability are less likely to agree with both statements.

Training Course Non-Compliance Reporting

In the fall of 2020, the Public Service Commission revised the pre-existing required online Respectful Workplace and Harassment Prevention training course, relaunching an annual refresh requirement. Non-compliance reporting for the training course was introduced in the Talent Analytics Dashboard (TAD). This tool that displays the Manitoba government’s workforce information gathered from multiple data sources in one single accessible location for executive leaders and human resource staff, initially every quarter basis. With the introduction of an annual refresh requirement, non-compliance reporting “resets” as of April 1st of each new fiscal year. Monthly reporting has been as of May 2024 to support leaders in monitoring and supporting compliance.

Table 3: Performance Measure	Baseline	2022/23 Actual	2023/24 Target	2023/24 Actual
Percentage of Manitoba's core public service that have completed mandatory respectful workplace training each fiscal year	67%	78%	90%	72%

Recognizing the important impact of regular training to support employee awareness and an environment of respect within government workplaces, in collaboration with the Treasury Board Secretariat, the Public Service Commission introduced new standardized employee performance measures in December 2022, including a measure to track the percentage completion of respectful workplace training required by departments. Effective 2023/24, departments were required to report on their annual progress in attaining a 90 percent compliance corporate target. Measures are integrated in the Supplement to the Expenditure of Estimates and will be reported on through the annual report process.