

Manitoba Bar Association (MBA) Harassment & Violence Prevention Policy

Commitment

The MBA is committed to providing a safe and respectful work environment for all of our staff and volunteers.

No one may be harassed and no one has the right to harass anyone else.

Management recognizes the potential for violence or threats against staff and volunteers. Actions have been taken to identify possible sources of violence and to implement a violence prevention program to eliminate or minimize risk.

This policy will be reviewed with all staff at orientation and a copy of this policy will be posted in the MBA offices. All non-staff volunteers will be made aware of the existence of this policy and may request a copy from the Executive Director at any time.

What is Harassment?

There are two types of harassment. One type includes inappropriate conduct in any form about a person's:

- age, race, colour
- creed, religion
- sex, sexual orientation, gender-determined characteristics
- marital status, family status, source of income
- political belief, association or activity
- disability, size, weight, physical appearance
- nationality, ancestry, or place of origin

A second type relates to what is sometimes referred to as "bullying" behavior that may include:

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

Reasonable actions by the Executive Director, the MBA President, Council members or other MBA leaders to help manage, guide or direct employees and volunteers are not harassment. Appropriate performance reviews, counselling or discipline is not harassment.

What is Violence?

As defined in Part 11 of the Workplace Safety and Health Regulation, M.R. 217/2006:

"Violence" is the attempted or actual exercise of physical force against a person and any threatening statement or behavior that gives anyone reason to believe that physical force will be used against them.

Where might violence occur?

It is generally not expected that employees and volunteers of the MBA will be subjected to violent situations. However, it is possible that MBA employees working in our reception areas and handling cash have a risk of exposure to violence from members of the public.

The tasks associated with a possible risk of violence exposure include:

- handling cash
- making bank deposits
- front reception desk – when greeting members of the public

Steps to eliminate or reduce the risk of violence

The MBA assesses the risk for workplace violence annually, or more often if something in our workplace changes, or a violent incident occurs.

The reception area has been designed to minimize contact between our employees and members of the public.

Safe work procedures have been developed to inform and train employees about the risks of violence. Documented safe-work procedures on violence prevention include:

- Emergency response plan for injured workers – the MBA will maintain a first aid kit that will be kept in the supply cupboard. All injuries must be reported to the Executive Director or, if the Executive Director is not available, the MBA President. If necessary, transportation will be arranged for an employee to seek medical attention. For severe injuries, 911 should be called immediately.
- Working alone or in isolation – staff should let each other know when leaving the MBA offices. Employees are to keep the door to the MBA offices locked at all times when working alone. Emergency contact numbers will be posted by all phones and include:
 - Executive Director (cell)
 - MBA President
 - Building Security
 - Police
- How to deal with irate customers – if an irate member of the public enters our offices, another staff person will come to the front to assist. If the situation escalates, building security and/or the police will be called depending on the severity of the situation.
- Handling money & robbery prevention – the MBA keeps a very small amount of cash in the office. The cash should be stored in an office credenza or filing cabinet and should be deposited as soon as possible. If someone comes to the office or approaches someone wanting this cash, this money should be freely provided to the robber.
- Parking lot safety – MBA staff are not required to have a vehicle at work for MBA business. However, there may be times that staff may be required to have a vehicle for MBA business. In those rare situations, staff will be reimbursed for their parking costs and are encouraged to park their vehicle in a well-lit area and close to the door. If staff are not comfortable walking to their vehicle, another staff member or security personnel should be asked to escort you.

Staff and volunteers are also encouraged to review the [MBA's Personal Safety Handbook](#).

Notification of risk of violence

Any time there has been a change in the nature or extent of the risk of violence, the MBA will provide employees and volunteers with all of the information available, including personal information, within the limitations of the law. Information will be provided to the extent necessary for the purpose.

Employee/Volunteer rights and responsibilities

- Employees and volunteers are entitled to work free from harassment and violence.
- Employees and volunteers are responsible for working together in a professional manner, to treat each other with respect and resolve issues in a non-violent manner.
- Employees and volunteers are to bring issues to the Executive Director or the MBA President if they cannot be mutually resolved.
- Employees and volunteers must report incidents of harassment and violence to the Executive Director or the MBA President.
- Employees and volunteers must cooperate in the investigation of a harassment complaint or a violent incident.
- Anyone who gives evidence or information in an investigation, or is involved in the process must keep this information confidential, except when it is necessary to deal effectively with the issue.

MBA responsibilities

- The Executive Director and/or President will ensure, as much as reasonably practical, that no employees or volunteers are subjected to harassment and violence in carrying out the work of the MBA.
- The Executive Director and/or President will take corrective action with anyone under their direction who subjects an employee or volunteer to harassment or violence.
- The Executive Director and/or President will not disclose the name of a complainant or the circumstances of the complaint to anyone except where disclosure is:
 - necessary to investigate the complaint
 - required to take corrective action
 - required by law
- Any information that is disclosed (as above) will be the minimum required for the purpose.
- The Executive Director will ensure all employees and volunteers are aware of the risks of violence in the workplace and are properly trained and equipped to protect themselves.

The MBA's harassment & violence prevention policy is not intended to discourage or prevent anyone from exercising any other legal rights, actions or remedies under any other law.

Anyone has the right to file a complaint with the Manitoba Human Rights Commission with respect to incidents of harassment based on a protected characteristic.

The MBA and its Executive Director are responsible for creating a safe working environment that is free from harassment and violence. Anyone aware of harassment or violence in our workplace must bring it to the attention of management so the issue can be addressed immediately.

How to report harassment complaints or incidents of violence

Harassment

1. If you are harassed, the first thing to do is to tell the person harassing to stop, if you feel comfortable doing that. You can do this in person or in writing.
2. If you feel unable to deal with him or her directly, you can speak to the Executive Director. If you feel unable to speak with the Executive Director, you can speak with the MBA Past-President.
3. There may be informal ways to handle your complaint. Your supervisor may speak to the alleged harasser or arrange for mediation.
4. If the informal route does not succeed or is not appropriate, the MBA supports the filing of a formal complaint.

Violence

1. If the situation has or is likely to escalate into a physical act of violence, contact the police immediately.
2. Report all threats or acts of violence to the Executive Director and/or President.
3. If the incident involves a staff member, the Executive Director will notify the Manitoba Workplace Safety and Health ("WSH") Division if the incident meets the definition of a "serious incident". The site of a "serious incident" should not be altered until a representative from WSH has attended to inspect.
4. The complainant and the Executive Director and/or President will complete an Incident Report Form. The Incident Report Form is attached as Appendix A. The form must be completed for all incidents, whether the incident involves a threat or act of violence.
5. The Executive Director and/or President will report all incidents of violence to the Executive Committee of the MBA as soon as possible, including the Incident Report Form.

Harassment Complaint and Violent Incident Investigation

When a complaint of harassment has been made or an incident of violence has occurred or could reasonably be expected to occur, the MBA will take the following steps:

1. The Executive Director will advise any employees and volunteers who may be at risk and will notify the members of the MBA Executive Committee of the complaint or incident.
2. The Executive Director and/or the President will complete an investigation into the complaint or incident.
3. All information available and relevant to the harassment complaint or violent incident will be provided to the Executive Director and/or President. Witnesses will be interviewed where possible.
4. The investigation results will be summarized by the Executive Director and/or the President and provided to the members of the MBA Executive Committee.
5. Any recommendations arising as a result of an investigation will be reviewed by the MBA Executive Committee and documented. Once the recommendations have been implemented, staff will be notified.
6. The Executive Director and/or President will inform the person who filed the complaint or reported the incident and the party against whom the complaint/report is made of the results of the investigation in a timely manner. Where necessary and appropriate, corrective action will be taken.

7. If the investigation does not find evidence to support the complaint of harassment or that a violent incident occurred, no record will be kept in the file of the person alleged to have harassed or been violent towards the complainant (if he or she is a staff member).
8. Where the complainant is a staff member, no record of the complaint/report, investigation or decision will go in the complainant's file if the complaint/report was made in good faith.

Annual Report on Violence

Each investigation report will be included in the annual workplace violence report produced every April. The annual report on violence will be provided to the Executive Committee and shared with employees no later than June 1 of each year.

Medical Assistance

Employees and volunteers who have been victims of violence will be:

- encouraged to seek medical help from their healthcare providers or referrals for post-incident counselling, if required
- given the opportunity to be examined by a doctor and transported to a medical facility, if required

The MBA has an employee and family assistance plan that provides counselling and de-briefing services for full time employees and their families.

Employees will keep all existing benefits while under treatment or counselling.

The Executive Director will take reasonable steps to accommodate employees involved in these types of incidents.

This violence prevention policy is not intended to discourage or prevent a complainant from exercising any other rights, actions or remedies that may be available to him or her under any other law.

Appendix A – MBA Incident Report Form

Incident Report Form	
1. GENERAL INFORMATION	
Date of incident:	Time: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Name:	Job title:
Location of incident: <input type="checkbox"/> Office <input type="checkbox"/> Offsite <input type="checkbox"/> Counter/reception area <input type="checkbox"/> Other (please specify) <input type="checkbox"/> Telephone	
Type of assault:	<input type="checkbox"/> Verbal <input type="checkbox"/> Physical
2. DETAILED DESCRIPTION OF INCIDENT	
Describe Incident: (use additional paper, if required)	

Incident Report Form

Name of Supervisor notified:

Workplace Safety and Health Division called? Yes No

Police called? Yes No

Safety and Health Committee notified? Yes No

Were you advised to seek medical treatment? Yes No

Did you consult a doctor: Yes No

Medical attention, first-aid obtained? Yes No

Did an investigation occur? Yes No

WCB forms completed? Yes No

3. INFORMATION ABOUT THE ASSAILANT

Client Employee Other (specify)

Name and address of suspect if known:

4. IMMEDIATE ACTION TAKEN BY THE EMPLOYER

5. DIRECT & INDIRECT CAUSES (Attach any pictures, graphs etc.)

6. RECOMMENDATIONS

COMPLETED ON