

Protecting Our Municipal Workforce

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Manitoba Workplace Safety and Health Act



With government bodies reporting an increase in harassing and/or threatening conduct towards elected officials and municipal staff, it is time for a refresher on a municipality's obligations under *The Workplace Safety and Health Act* (**C.C.S.M. c W210**) (the "**Act**") and its supporting Regulation (**M.R. 217/2006**) to ensure the safety, health and welfare of employees "as far as reasonably practicable."

These obligations encompass not only physical safety but also the mental and psychological well-being of staff, including protection from harassment and violence, whether carried out in person or conveyed online.

Manitoba Harassment Prevention Policy Requirements for Municipalities

The Act requires a municipality, as an employer, to develop and implement a written policy to prevent harassment in the workplace (a "**Harassment Prevention Policy**").

The Act sets out specific language that must be included in a Harassment Prevention Policy, such as:

1. Every worker is entitled to a harassment-free workplace;
2. The employer will ensure, so far as reasonably practicable, that no employee is subjected to harassment; and
3. The employer will take corrective action against anyone under its direction who harasses a worker.

Procedures for Handling Workplace Harassment Complaints

The Municipal Harassment Prevention Policy must also outline the procedural aspects surrounding a harassment complaint, including, but not limited to, the procedural steps involved in filing a complaint, the investigative steps and how results will be communicated to the parties involved.

The Harassment Prevention Policy may also provide the employer and the staff with guidelines on how to deescalate incivility by ratepayers, consultants, the public, etc.

Guidelines for Managing Harassment and Incivility from the Public

To proactively address the current environment, municipalities should consider:

- reviewing and updating their Harassment Prevention Policy to ensure alignment with current legislation and best practices.
- posting the Harassment Prevention Policy in a prominent location at the workplace.
- engaging legal counsel to confirm that policies meet statutory requirements and adequately address evolving risks.
- communicating changes clearly and providing training to all employees.
- ensuring consistent application, particularly in investigations and corrective actions.
- maintaining records of complaints, investigations and resolutions in accordance with regulatory transparency and confidentiality standards.

Additional Measures to Enhance Municipal Staff Safety and Well-Being

Other options that can help ensure a **safe and healthy workplace** that some municipalities are implementing include:

- installing security cameras at building entrances and meeting rooms.
- engaging by-law officers or private security personnel to attend public meetings and hearings.
- implementing access controls, such as doorbells or controlled entry systems.
- consulting legal counsel about the availability of protection orders or peace bonds where appropriate.
- enhancing employee mental health supports, such as expanded benefits or employee assistance programs.

Because each workplace faces unique challenges, municipalities should seek **tailored legal advice** before implementing new policies or security measures to ensure full compliance with Manitoba's Workplace Safety and Health legislation and related requirements.

Further Reading & Resources

- ***Drawing the Line: Protecting Municipal Staff and Council from Harassment*** — a practical guide from TDS Law on how municipalities can respond to harassment or threatening behaviour from the public, including the use of warning letters, restricted access, peace bonds, and other protective measures.
- ***Workplace Investigations: When to conduct them, how to conduct them and who should conduct them*** — this guide outlines when to include procedural requirements in your policy and explains how to carry out investigations into harassment complaints involving staff, council or ratepayers.

Learn more about how TDS can support you with your legal needs. For tailored legal guidance on municipal workplace safety and harassment prevention, contact the **TDS Law Provincial & Municipal Government team**.

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