



THE ULTIMATE HR GUIDE TO CREATING A WORKPLACE HARASSMENT PROGRAM IN CANADA

EMPOWERING EMPLOYERS IN CANADA TO FIGHT HARASSMENT IN THE WORKPLACE

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Quick Snapshot

Regardless of the province your organization is located in, effective workplace harassment and sexual harassment training programs must include the following:

1. Definitions of Harassment & Sexual Harassment



2. Company Specific Harassment & Sexual Harassment Policies



3. Clear Procedures to follow if you are a victim and/or witness of harassment



4. Company Investigation Protocols



5. Support Protocols



INTRODUCTION

Harassment and bullying in the Canadian workplace is a dangerous problem that could drastically impact the progress of any functional company. It is a very serious issue that can sometimes go overlooked, which worsens it even more.

Employees in a company experiencing any form of harassment are very likely to develop harmful conditions such as stress and various forms of anxiety. Physical health problems such as the development of headaches, ulcers among many more are also well known effects.

For an employer trying to run a successful company, regular instances of workplace harassment could be detrimental to progress. This is why zero tolerance environments that discourage these kinds of behaviors among staff should be a top priority to employers.

This guide is designed to help employers understand their legal obligations under Canadian Federal and Provincial laws and how to effectively implement an effective anti-harassment program within their workplace. The successful creation of this program will not only help mitigate workplace harassment, but more importantly, foster a harmonious productive community that translates into a successful and respectful company. Read on and learn what you can do to stamp out harassment in all its forms within your organization.

CHAPTER 1:**UNDERSTANDING BULLYING, HARASSMENT AND SEXUAL HARASSMENT IN THE WORKPLACE**

Harassment is a broad term that essentially describes aggressive pressure from one individual which frustrates or intimidates the other. Within the workplace environment, it can take on many different forms, which all need to be properly understood.

Workplace Bullying

In their research publication on workplace bullying, authors Professor Charlotte Rayner and Cary L. Cooper define the act as the persistent mistreatment of others in the workplace. It may result in either emotional or physical harm, and includes various tactics such as verbal, non-verbal, physical and psychological abuse. It is a form of aggression in the workplace that is often commonly practiced by individuals with more authority over their victims in a workspace environment.

Workplace Violence

Simply put, violence at the workplace is behavior involving physical force that is intended to harm an individual. It can also be verbal abuse that could cause emotional harm to individuals. Occurrences range from outside the workplace to within the workplace itself, and can result in verbal assault, physical altercations and even job-related deaths.

Harassment

Workplace harassment is a situation where a person becomes the recipient of unwanted conduct by a fellow employee or a supervisor. It is also a form of belittlement or threat of hostility that often results in discrimination based on any number of factors such as gender, race, rank or any type of background that is different from another individual.

Sexual Harassment

Sexual harassment in the workplace is a situation where an individual experiences unwanted conduct from a fellow employee or supervisor that is often sexual in nature. It encompasses any unwanted sexual advances, requests for sexual favors in exchange for workplace benefits or advantages as well. This kind of behavior often leaves the victim feeling intimidated, humiliated or offended.

What Are Some Of The Known Effects Of Workplace Harassment?

With a basic understanding of what different forms of workplace harassment mean, it is easier to spot the effects experienced by affected employees as an employer. Some of the common consequences include:

- ❑ Physical health risks to the victim, where they are at risk of developing higher blood pressure, problems with sleep or even ulcers
- ❑ Mental and psychological health problems for the victim such as anxiety, anger, stress and depression.
- ❑ Workplace animosity between employees which creates a hostile environment that hinders productivity.
- ❑ Loss of self-confidence by the victims in themselves and their work.
- ❑ Absenteeism which slows down productivity and workflow.
- ❑ Loss of employee loyalty in the company and its values.
- ❑ Possible costly legal trouble if issues escalate to the point or requiring legal redress.
- ❑ Increased costs of training for new employees when employees are fired or resign
- ❑ The development of a poor public image for the company which makes operation for the business even harder.

Preventing all this trouble requires a proper understanding of the law, and ways to effectively curb workplace harassment as an employer, which will be delved into in coming chapters



CHAPTER 2

LAWS AND POLICIES FOR WORKPLACE HARASSMENT IN CANADA

Depending on which province your company is situated in, the laws regarding workplace bullying, violence and harassment may differ. Understanding each province's take on the subject matter makes handling such incidences straightforward, should they occur.

This section will take a province by province look at the various aspects of workplace harassment compliance laws.

BRITISH COLUMBIA

Definition of Workplace Violence

The law defines it as an attempted or actual exercise of physical force by a person, other than a worker, so as to cause injury to a worker. It includes any threatening statement or behavior which causes a worker to reasonably believe he or she is at risk of injury.

Definition of Workplace Harassment

Harassment is described as any conduct, comment, display, action, or gesture that

- a. Adversely affects a worker's psychological or physical well-being or
- b. The actor knew or reasonably ought to have known would cause a worker to be humiliated or intimidated.

It includes the act of intentionally causing harm through verbal harassment, intimidation or other more subtle methods of coercion, such as manipulation, including ignoring and isolating a person.

Definition of Sex Discrimination and Sexual Harassment

According to the British Columbian government, sex discrimination means treating someone poorly or denying them a benefit. This is specifically because they are male, female, intersex, transgender or because of their gender identity.

It describes sexual harassment as a form of sex discrimination, where an employee repeatedly does or says things to another employee that are offensive or insulting based on their gender identity.

| WORKPLACE BULLYING & HARASSMENT | |
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| Employer Responsibilities | <ul style="list-style-type: none"> • Develop policies and procedures to prevent and respond to bullying and harassment • Provide training and information distinguishing appropriate from inappropriate behavior • Create a policy statement that workplace bullying and harassment are unacceptable and will not be tolerated • Take steps to prevent, or at least minimize, workplace bullying and harassment • Provide ongoing incident reporting and complaint procedures, including special procedures if a supervisor or other person with authority is the alleged bully/harasser to ensure that no retaliation will take place • Create procedures for dealing with incidents and complaints, including investigation procedures, investigation reporting and appropriate employer follow-up |
| Legal Requirements | Employer must ensure the health and safety of workers within the workplace. |
| Reporting Procedures | <p>A reporting procedure must entail details on the following:</p> <ul style="list-style-type: none"> • How to report • When to report • Reporting contact • Alternate reporting contact • What to include in a report • Annual review |
| Training | <ul style="list-style-type: none"> • All workers, including supervisors, must undergo training at least once a year to get a better understanding of their responsibilities. • Training must cover: <ul style="list-style-type: none"> ○ How to identify bullying and harassment ○ Procedures for reporting and dealing with such matters |
| Resources | Click: WorkSafeBC Handbook on Workplace Bullying & Harassment Prevention |

| WORKPLACE SEXUAL HARASSMENT | |
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| Employer Responsibilities | Under the British Columbia Human Rights Code, sexual harassment is considered a form of sex discrimination. Employer responsibilities, therefore, are those provided in the Human Rights Code. |
| Legal Requirements | Employer must ensure the health and safety of workers within the workplace. They can do this by carrying out regular inspections of equipment and processes and take appropriate measures. |
| Reporting Procedures | <ul style="list-style-type: none"> • To make a complaint under the BC Human Rights Code, all the following must be true: <ul style="list-style-type: none"> ○ You have been treated badly or denied a benefit. ○ There is a connection between the way you have been treated (badly or denied a benefit) and your gender. ○ The treatment occurred at work • You must file your complaint within six months after the event occurs. (There are some exceptions to this time frame.) • Filing a complaint starts a legal process that is similar to a court proceeding. |
| Training | <ul style="list-style-type: none"> • All workers, including supervisors, must undergo training at least once a year to get a better understanding of their responsibilities. • Training must cover: <ul style="list-style-type: none"> ○ How to identify sexual harassment ○ Procedures for reporting and dealing with such matters |

ONTARIO

Definition of Workplace Violence

- I. The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- II. An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker, or
- III. A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

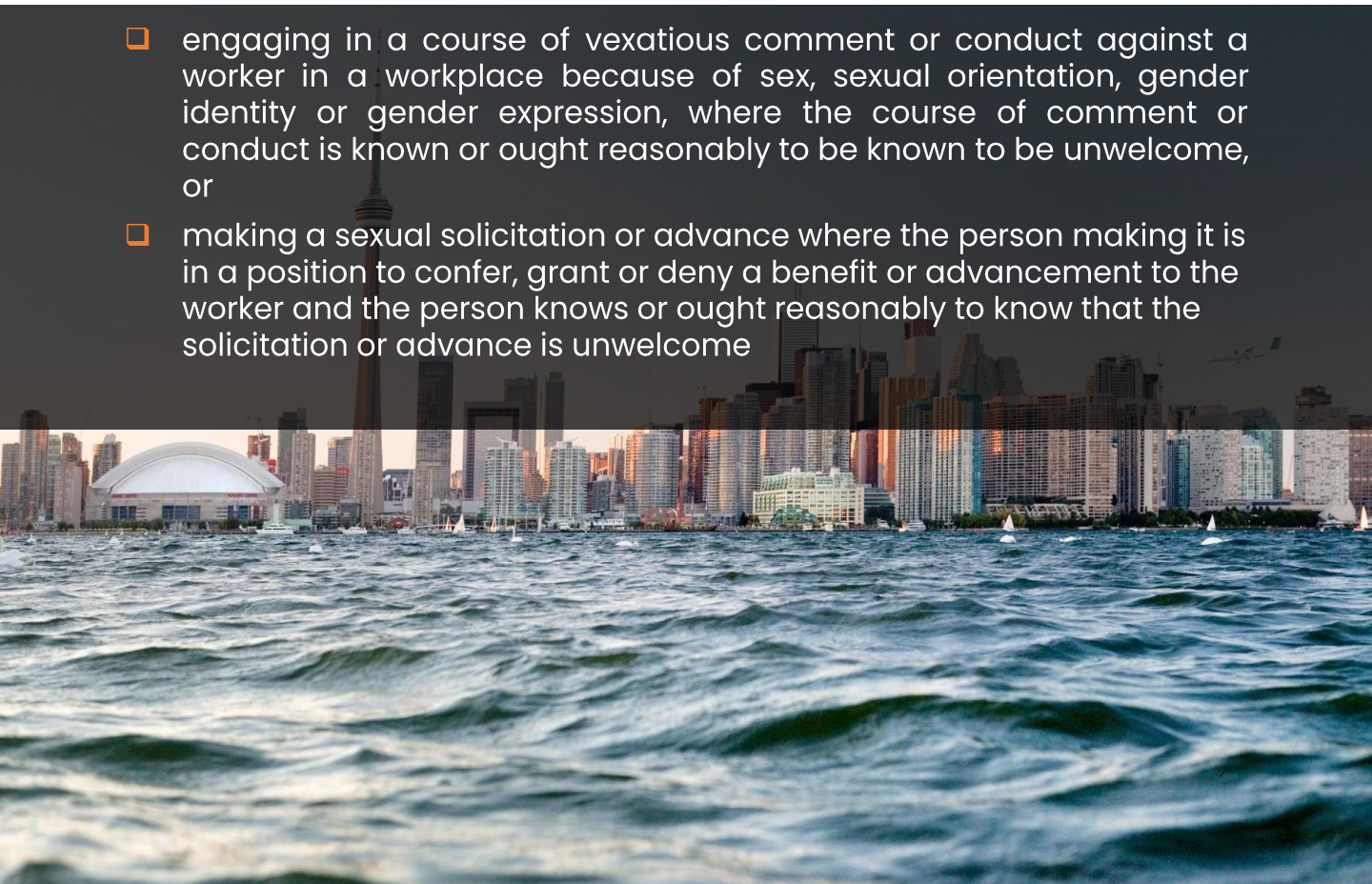
Definition of Workplace Harassment

Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome

Definition of Sexual Harassment

Sexual harassment in the workplace is described as

- ❑ engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- ❑ making a sexual solicitation or advance where the person making it is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome



WORKPLACE BULLYING & HARASSMENT

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| Employer Responsibilities | <ul style="list-style-type: none"> Employers must address any unwanted behaviors early to minimize the potential for workplace harassment to lead to workplace violence. Employers, therefore, have specific duties with respect to workplace harassment and workplace violence under the Occupational Health and Safety Act. |
| Legal Requirements | It is the legal duty of an employer to protect the mental and physical health of employees. That means protection from harassment, violence and bullying. |
| Reporting Procedures | <ul style="list-style-type: none"> Employer must institute: <ul style="list-style-type: none"> Measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur Measures and procedures for workers to report incidents of workplace bullying and harassment to the employer or supervisor |
| Training | <ul style="list-style-type: none"> All workers, including supervisors, must undergo training at least once a year to get a better understanding of their responsibilities. Training must cover: <ul style="list-style-type: none"> How to identify bullying and harassment Procedures for reporting and dealing with such matters |

WORKPLACE SEXUAL HARASSMENT

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| Employer Responsibilities | <ul style="list-style-type: none"> Employers must address any unwanted behaviors early to minimize the potential for workplace harassment to lead to workplace violence. Employers, therefore, have specific duties with respect to workplace harassment and workplace violence under the Occupational Health and Safety Act. |
| Legal Requirements | It is the legal duty of an employer to protect the mental and physical health of employees. That means protection from sexual harassment, violence and bullying. |
| Reporting Procedures | Depending on the context of the incident, the nature of the relationship of those involved, and applicable provincial/territorial jurisdictions; the complainant or the subject of harassment may choose various paths or options for remedies to bring a complaint forward |
| Training | <ul style="list-style-type: none"> All workers, including supervisors, must undergo training at least once a year to get a better understanding of their responsibilities. Training must cover: <ul style="list-style-type: none"> How to identify sexual harassment Procedures for reporting and dealing with such matters |

MANITOBA

Definition of Workplace Violence

According to Manitoba's Workplace Safety and Health Regulation, violence means



- I. the attempted or actual exercise of physical force against a person; and
- II. any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person.

Definition of Workplace Harassment

The same regulation defines workplace harassment as:

- I. Objectionable conduct that creates a risk to the health of a worker; or
- II. Severe conduct that adversely affects a worker's psychological or physical well-being.

It is

- a. 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; or
- b. Severe, if it could reasonably cause a worker to be humiliated or intimidated and is repeated, or in the case of a single occurrence, has a lasting, harmful effect on a worker.

Definition of Sexual Harassment

Sexual harassment is defined in The Code as a series of objectionable and unwelcome sexual solicitations or advances or a sexual solicitation or advance made by a person in an authority, if that person should reasonably have known that their behaviour would be unwelcome or retaliating against someone for rejecting a sexual solicitation or advance.

WORKPLACE BULLYING & HARASSMENT

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| Employer Responsibilities | Employers (including senior managers), landlords and service providers are responsible for providing a harassment free environment. They must not harass others and must ensure those around them are protected from harassment. |
| Legal Requirements | For an employer, a failure to prevent harassment is not only a contravention of The Code (Manitoba Laws), it can result in the loss of productivity, loss of business, high staff turnover and damage to reputation. |
| Reporting Procedures | <ul style="list-style-type: none"> • If you believe you are being harassed at your workplace: <ul style="list-style-type: none"> ○ Talk to your manager or supervisor ○ Call the Workplace Safety and Health Division for help at: 1-866-888-8186 (toll-free in Manitoba) ○ Call the Manitoba Human Rights Commission at: 1-888-884-8681 (toll-free in Manitoba) |
| Training | Employers must train their staff in the awareness and identifying bullying and harassment and how to maintain a respectful office environment. |

WORKPLACE SEXUAL HARASSMENT

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| Employer Responsibilities | Employers (including senior managers), landlords and service providers are responsible for providing a harassment free environment. They must not harass others and must ensure those around them are protected from harassment. |
| Legal Requirements | For an employer, a failure to prevent harassment is not only a contravention of The Code, it can result in the loss of productivity, loss of business, high staff turnover and damage to reputation. |
| Reporting Procedures | <ul style="list-style-type: none"> ▪ If you believe you are being harassed at your workplace: <ul style="list-style-type: none"> ○ Talk to your manager or supervisor ○ Call the Workplace Safety and Health Division for help at: 1-866-888-8186 (toll-free in Manitoba) ○ Call the Manitoba Human Rights Commission at: 1-888-884-8681 (toll-free in Manitoba) |
| Training | Employers must train their staff in the awareness and identifying sexual harassment and how to maintain a respectful office environment. |

SASKATCHEWAN

Definition of Workplace Violence

Workplace violence in Saskatchewan is currently described as the attempted, threatened or actual conduct of a person that causes or is likely to cause injury and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that the worker is at risk of injury.

Definition of Workplace Harassment

Harassment at the workplace is defined as any inappropriate conduct, comment, display, action or gesture by a person based on race, creed, religion, colour, sex, sexual orientation (or other protected grounds) that adversely affects the worker's psychological or physical well-being or constitutes a threat to the worker's health or safety.

Definition of Sexual Harassment

The Saskatchewan Human Rights Code defines sexual harassment as conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or unwelcome.



WORKPLACE BULLYING & HARASSMENT

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| Employer Responsibilities | <p>All employees, including managers and supervisors, have a responsibility to ensure appropriate conduct in the workplace.</p> <p>Employees are required to refrain from causing or participating in the harassment of another worker. They must also co-operate with harassment complaint investigations.</p> |
| Legal Requirements | <p>Every employer has a legal obligation to ensure, as much as reasonably practicable, that workers are not exposed to harassment with respect to any matter or circumstance arising out of employment.</p> |
| Reporting Procedures | <ul style="list-style-type: none"> ▪ Creating a process to receive and investigate formal complaints in a consistent, fair and effective manner is critical. Complaints should: <ul style="list-style-type: none"> ○ Be made in writing and include the complainant's signature; ○ Include a form to gather all basic relevant information (see sample formal complaint form on next page); and ○ Outline who will investigate and how the investigation will be conducted. |
| Training | <ul style="list-style-type: none"> ▪ Employers must take a proactive approach to ensure workplaces are free from harassment. ▪ Employers should create their harassment policy to deal with complaints of harassment. ▪ They should also have a harassment prevention program. |

WORKPLACE SEXUAL HARASSMENT

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| Employer Responsibilities | <p>Employer must provide a discrimination free workplace. Whether they are aware of sexual harassment or not, employers are responsible for the actions of management and supervisory personnel, and for the harassment by non-supervisory personnel in certain circumstances.</p> |
| Legal Requirements | <p>Every employer has a legal obligation to ensure, as much as reasonably practicable, that workers are not exposed to sexual harassment with respect to any matter or circumstance arising out of employment.</p> |
| Reporting Procedures | <p>Complainants are urged to report any sexual harassment promptly after it occurs.</p> <p>However, employers can take into account the emotional impact of sexual harassment on a victim of such behavior. Therefore, delays in reporting will not automatically preclude the employer from taking action in a given situation.</p> |
| Training | <p>The employer should train the workers and supervisors at least once a year on sexual harassment awareness and prevention.</p> |

ALBERTA

Definition of Workplace Violence

The Occupational Health and Safety Code of Alberta defines workplace violence as the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury.

Definition of Workplace Harassment

The Occupational Health and Safety Act describes workplace harassment as any inappropriate conduct, comment, display, action or gesture by a person that either

- I. is based on race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation, or
- II. subject to subsections (2) and (3), adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated and that constitutes a threat to the health or safety of the worker

Definition of Sexual Harassment

According to the Alberta Human Rights Commission, sexual harassment is a form of discrimination based on the ground of gender, including transgender. It is any unwelcome sexual behaviour that adversely affects, or threatens to affect, directly or indirectly, a person's job security, working conditions or prospects for promotion or earnings; or prevents a person from getting a job, living accommodations or any kind of public service.

WORKPLACE BULLYING & HARASSMENT

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| Employer Responsibilities | Employers must ensure workers are not subject to or participate in harassment or violence at the work site. |
| Legal Requirements | Employers and supervisors are required to make sure that workers do not experience or participate in harassment or violence at a work site. |
| Reporting Procedures | <ul style="list-style-type: none"> ▪ Employers must: <ul style="list-style-type: none"> ○ Investigate any incident of harassment or violence ○ Take action to address the incident ○ Prevent it from happening again ○ Prepare an investigation report outlining the circumstances of the incident and the corrective action ▪ Employers must retain the investigation report for at least 2 years after the incident, keep it readily available and provide a copy to Alberta OHS on request. |
| Training | <ul style="list-style-type: none"> ▪ Employers must instruct workers on: <ul style="list-style-type: none"> ○ The hazard of workplace harassment and violence ○ How to recognize the signs of danger ○ What to do about it ○ How to report it |

WORKPLACE SEXUAL HARASSMENT

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| Employer Responsibilities | <ul style="list-style-type: none"> ▪ The Supreme Court of Canada decided that in cases of proven sexual harassment, employers are responsible for the actions of their employees. Lack of awareness by management does not necessarily eliminate this liability. ▪ Employers are responsible for maintaining a work environment free from sexual harassment for all employees, customers and clients. ▪ Neglect to follow up on a complaint of sexual harassment by an employer under the Alberta Human Rights may be exposed to legal action. |
| Legal Requirements | <ul style="list-style-type: none"> ▪ Employers and supervisors are required to make sure that workers do not experience or participate in sexual harassment at a work site. |
| Reporting Procedures | <ul style="list-style-type: none"> ▪ The employer must carry out an investigation of any incident of sexual harassment and take action to address the incident and prevent it from happening again. ▪ An investigation report, outlining the circumstances of the incident and the corrective action must be prepared. ▪ This report must be retained for at least two years after the incident. |
| Training | <ul style="list-style-type: none"> ▪ An employer must train workers on the hazard of workplace sexual harassment and violence, how to recognize the signs of danger, what to do about it, and how to report it. |

QUEBEC

Definition of Workplace Violence

There is currently no definition of workplace violence in Quebec at this time.

Definition of Workplace Harassment

The existing definition for harassment is psychological harassment. It is defined as any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee.

Definition of Sexual Harassment

The Commission des droits de la personne et des droits de la jeunesse defines sexual harassment as a form of discrimination based on sex. It is a violation of human rights, including basic rights such as: the right to safeguard dignity, the right to privacy as well as the right to integrity. All these rights are protected in Québec by the Charter of Human Rights and Freedoms.



WORKPLACE BULLYING & HARASSMENT

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| Employer Responsibilities | Employers are required to take reasonable action in order to prohibit psychological harassment. They must use methods and techniques to identify control and eliminate risks to the health and safety of employees. |
| Legal Requirements | Currently under Quebec's legislation, there are no specific steps to guaranteeing legal compliance for employers in regard to harassment. |
| Reporting Procedures | Aggrieved employees must file a complaint with the Commission in 90 days of the incident occurring. Employers must inform the omission of any incidents of harassment, along with a written report within 24 hours of the incident occurring. |
| Training | Employers are required to give employees adequate information regarding the risks of harassment that may be connected to their line of work. Training may also be to ensure employee effectiveness at their assigned job position. |

WORKPLACE SEXUAL HARASSMENT

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| Employer Responsibilities | Employers must take measures to prevent or stop incidences of sexual harassment within the workplace. This includes active participation in training and policy implementation. |
| Legal Requirements | The law requires most employers to have measures in place to tackle incidences of sexual harassment. |
| Reporting Procedures | Aggrieved parties are encouraged to file a report with the Commission regarding the incident in question. Employers are also encouraged to report to the commission as well should an incident occur. |
| Training | Company policies should also provide information on sexual harassment to employees, allowing them to know how to spot the signs and stop or prevent harassment. |

NEWFOUNDLAND AND LABRADOR

Definition of Workplace Violence

Based on the Occupational Health and Safety Act, Newfoundland and Labrador describes workplace violence as the attempted or actual exercise by a person, other than a worker, of physical force to cause injury to a worker, and includes threatening statements or behaviour which gives a worker reason to believe that he or she is at a risk of injury.

Definition of Workplace Harassment

The Human Resource Secretariat of Newfoundland and Labrador defines workplace harassment as any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome. It may be intended or unintended.

Harassment will normally involve a series of incidents; however, a single incident may constitute harassment if it would be considered egregious or severe to a reasonable person taking into account the circumstances of the incident.

Definition of Sexual Harassment

The Public Legal Information Association of Newfoundland defines sexual harassment as any unwanted and unwelcome behaviour of a sexual nature. It can take place in any setting, including in a school, work, a public place, at home, or by phone, text, or social media.



WORKPLACE BULLYING & HARASSMENT

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| Employer Responsibilities | Employers shall conduct an assessment for risk of violence and harassment. They shall then establish procedures to eliminate or minimize these risks to employees. |
| Legal Requirements | Employers are mandated to develop and implement harassment prevention plans to address workplace violence and harassment. |
| Reporting Procedures | There must be an existing incident reporting system to allow for possibly harassed staff to speak out and receive assistance. Within 3 days after an incident occurs resulting in injury from violence, employers must provide written notice to the minister. |
| Training | Employers are required to raise awareness of the risks of violence and harassment among employees. The duty to inform staff shall include sufficient information and provision on risks of violence or harassment from persons with a history of such behaviour within the past, who employees are likely to encounter at some point in their work. |

WORKPLACE SEXUAL HARASSMENT

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| Employer Responsibilities | Employers are required to raise their awareness of sexual harassment possibilities in the workplace, in order to take effective actions against it should an incident occur, or proactive measures preventing said incidences from occurring. |
| Legal Requirements | The law requires employers to create and maintain a healthy environment for employees, free from sexual harassment. |
| Reporting Procedures | Companies must have effective incident reporting channels in place to allow aggrieved employees to feel more confident in coming forward. |
| Training | A training plan on sexual harassment in the workplace is required of employers, in order to educate employees on dealing with sexual harassment in their surroundings. |

NEW BRUNSWICK

Definition of Workplace Violence

There is no definition regarding workplace violence in New Brunswick at this time. However, New Brunswick does fall under the Canadian federal law on workplace violence. The definition here is:

“any action, conduct, threat or gesture of a person towards an employee in their work- place that can reasonably be expected to cause harm, injury or illness to that employee.”

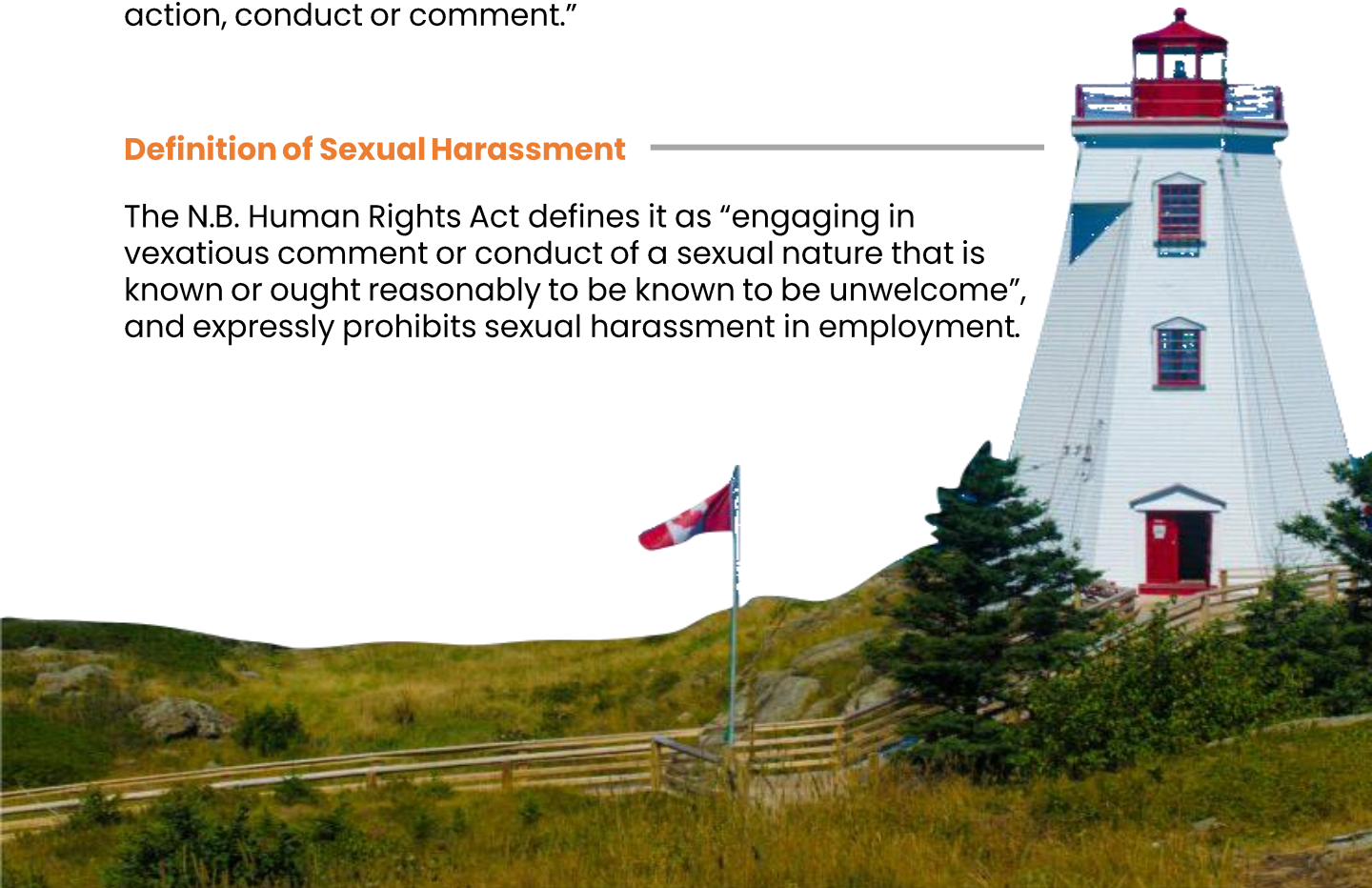
Definition of Workplace Harassment

There is no definition regarding workplace violence in New Brunswick at this time. Under the Canadian federal law on workplace harassment, it is defined as

“any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.”

Definition of Sexual Harassment

The N.B. Human Rights Act defines it as “engaging in vexatious comment or conduct of a sexual nature that is known or ought reasonably to be known to be unwelcome”, and expressly prohibits sexual harassment in employment.



WORKPLACE BULLYING & HARASSMENT

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| Employer Responsibilities | An employer will take every reasonable precaution to ensure employee health and safety. |
| Legal Requirements | Employers will comply with the Human Rights Act and any of its regulations and ensure that employees comply as well. |
| Reporting Procedures | There must be multiple measures in place to allow for confidential reporting without fear of retaliation by potential victims of violence or harassment |
| Training | Employers with 20 or more regular employees shall establish a written training program to raise awareness on health and safety for employees. This program shall be implemented in respect to the provincial code of practice. |

WORKPLACE SEXUAL HARASSMENT

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| Employer Responsibilities | Employers should raise awareness for sexual harassment in the workplace through clearly visible policies. |
| Legal Requirements | Employers need to create and develop policies that effectively warn against sexual harassment as well as describe consequences for engaging in sexual harassment. |
| Reporting Procedures | Companies must have effective reporting networks in place that allow for effective communication and taking of action without fear of reprisal for employees. |
| Training | Employers must create training programs for employees that raise awareness on sexual harassment and ways to best avoid or prevent it. |

NOVA SCOTIA

Definition of Workplace Violence

Workplace violence is defined as threats, including a threatening statement or threatening behaviour that gives an employee reasonable cause to believe that the employee is at risk of physical injury, or conduct (or attempted conduct) that endangers the physical health or physical safety of an employee.

Definition of Workplace Harassment

Harassment is defined as improper conduct by an individual, that is directed at and offensive to another individual in the workplace, and that the individual knew or ought reasonably to have known would cause offence or harm. "The workplace" includes any event or location related to work. It comprises any objectionable act(s), comment(s) or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat.

Definition of Sexual Harassment

The Nova Scotia Human Rights Act describes sexual harassment as

- I. Vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome,
- II. A sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome, or
- III. A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.

WORKPLACE BULLYING & HARASSMENT

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| Employer Responsibilities | An employer must take "reasonable measures to minimize and, to the extent possible, eliminate the risk of violence and harassment in the workplace. |
| Legal Requirements | The employer shall assess potential for workplace violence and harassment. They shall develop and create awareness for policies prohibiting workplace harassment and violence. |
| Reporting Procedures | An employer must ensure that incidents of violence in a workplace are documented and promptly investigated to determine their causes and the actions needed to prevent reoccurrence. |
| Training | Employers must provide all employees with information on the nature, extent and risk of workplace violence and harassment. Training must be provided on employee rights, policies, measures to curb violence or harassment, how to recognize and effectively respond to it. |

WORKPLACE SEXUAL HARASSMENT

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| Employer Responsibilities | Employers must create and implement clear sexual harassment policies within the workplace. |
| Legal Requirements | Employers must ensure the health and safety of the workforce by providing clear policies that protect employees' human rights at the workplace. |
| Reporting Procedures | Company sexual harassment policies should include an incident reporting mechanism that allows possible victims to communicate freely in confidence without fear of retaliation. |
| Training | Employers should continue to raise awareness for sexual harassment in the workplace through training courses, and information circulars that educate the staff on how best to respond to cases of sexual harassment. |

PRINCE EDWARD ISLAND

Definition of Workplace Violence

It is the threatened, attempted or actual exercise of any physical force by a person other than a worker that can cause, or that causes, injury to a worker, and includes any threatening statement or behavior that gives a worker reasonable cause to believe that he or she is at risk of injury.

Definition of Workplace Harassment

The PEI Human Rights Act describes harassment as the unwelcome presence of comments and offensive jokes or pictures, to unwelcome physical contact in the workplace. This act covers harassment if this unwelcome behaviour can be linked to a prohibited ground of discrimination.

Definition of Sexual Harassment

Under the PEI Human Rights Act, sexual harassment is considered discrimination based on sex. It protects against discrimination based on society's expectations of how women or men "should" dress, behave, or act, and includes protection for people who are transgendered, transsexual and two-spirited.



| WORKPLACE BULLYING & HARASSMENT | |
|----------------------------------|--|
| Employer Responsibilities | <ul style="list-style-type: none"> • Creating a work environment permitting transparency an open dialogue • Having awareness of legislation pertaining to workplace violence, bullying and harassment • Developing and implementing policies enhancing workplace rights. • Responsibility for training on workplace safety from violence and harassment. |
| Legal Requirements | <ul style="list-style-type: none"> • A workplace assessment to determine risk of violence • Presence of training facilities on workplace safety against harassment and violence • Presence of incidence reporting mechanisms |
| Reporting Procedures | Employers must ensure the presence of secure reporting mechanisms for possible victims that ensures a lack of reprisals. |
| Training | Employers must have a clear process in place for educating employees on harassment and ways to prevent it. The more frequently this training takes place the better for employees |

| WORKPLACE SEXUAL HARASSMENT | |
|----------------------------------|--|
| Employer Responsibilities | The PEI government stipulates that employers must have sexual harassment policies posted on work premises where they are easily seen by all members of staff. |
| Legal Requirements | Employer must ensure the health and safety of workers within the by raising awareness through policy implementation and training, which are assessable by law. |
| Reporting Procedures | Under P.E.I.'s Department of Justice, Victim services exist to help anyone that has been harassed while navigating the reporting system. |
| Training | Employers and supervisors are required to provide opportunities for training related to sexual harassment to all employees under their supervision. |

CHAPTER 3:**PREVENTATIVE MEASURES FOR ALL EMPLOYERS TO TAKE AGAINST WORKPLACE HARASSMENT**

As troublesome a problem as workplace harassment can become, it is especially important that employers take a more serious approach to prevent it. As previously mentioned, the consequences could mean anything from reduced employee productivity and loyalty to the smearing of the company image to the public. This section looks at the ways in which employers can forestall incidences of workplace harassment in its different forms.

Developing a workplace harassment prevention policy

This policy is essentially a set of rules, regulations and guidelines developed by an employer and communicated to employees. The policy should include:

- ❑ A clear zero tolerance statement for any form of harassment
- ❑ Information and illustrations clearly describing workplace harassment examples to educate the staff.
- ❑ Information on avenues for reporting and actions to be taken against harassers.
- ❑ Information of the process of investigation and other ways of handling presented cases of harassment.

Enforcing proper reporting and response procedures

It is one thing to have a workplace harassment policy in place, but it also inspires confidence to implement the procedures of reporting and response to harassment. Employers can set up anonymous reporting avenues such as a hotline where employees can report in confidence. There could also be multiple channels for reporting like a neutral party being available should the harasser happen to be a person in a position of seniority.

Providing training and information to employees regarding workplace harassment

Employers should make it possible for staff to learn what workplace harassment is, as well as how to best handle it. Training programs should be an educative process that raises awareness for company codes of conduct and the consequences for unwarranted actions of harassment. They should also include information on reporting procedures and their subsequent handling in investigation.

Training: An Employer's Strongest Weapon against Workplace Harassment

An investment in the proper education and guidance of employees on all matters pertaining to harassment in the workplace is very much worthwhile. Knowledge is power, and empowering employees to better protect themselves against harassment has proven to be effective at preventing it significantly.

- ❑ For employees, training instills feelings of safety and confidence while working, which is great for keeping up productivity.
- ❑ Having a proper training program in place breeds loyalty among members of staff.
- ❑ For managers, training makes it easier to identify incidences of harassment, as well as to be able to effectively preside over and resolve disputes among staff regarding the same.
- ❑ In a legal setting a company that offers training can defend itself by referencing dates when training was provided as evidence of compliance.

In a research article published in the Human Resource Development Quarterly in 2010, the best training practices were found to be significantly negatively related to the frequency of sexual harassment complaints. The 2011 article from the British Journal of Health Care Management found mandatory employee training to be effective at promoting feelings of overall safety among the staff.

BEST Training & Delivery Tool

Effective training for employees comes down, largely in part, to the effectiveness of tool/delivery method. The best learning management tools are the ones that allow employers to model the training in line with company values, effectively creating a unique and interactive experience.

This is where Vocam's BusinessTraining-TV (www.vocam.ca) has managed to stand out amongst the many as a customizable video-based training platform designed to get results.



How BusinessTraining-TV Works Video

Once your company policies and procedures are created, simply leverage the [BusinessTraining-TV Course Builder Video](#) to upload this documentation into existing pre-built harassment courses that are included within the 100+ course library. Doing so saves you tons of time and offers employees a training course that not only meets Canadian legislative requirements, but fully reflects your company DNA and culture.

For HR departments looking to deploy any type of training that is interactive, engaging and fully tracked, this platform is a definite must-have.

CHAPTER 4:**SAMPLE POLICIES AND REPORTING PROCEDURES**

Understanding some of the key policies and procedures that could educate employees about workplace harassment could make creation of said policies easier for employers. Below are a couple of example policies, addressing key workplace concerns, while also envisioning company values.

Example One – Ontario**Sample Workplace Violence and Harassment Prevention Policy and Program****Name of Organization****Mission**

Name of organization is committed to providing a safe, healthy and supportive work environment by treating our employees and clients with respect, fairness and sensitivity.

Violence and harassment in the workplace can have devastating effects on employees' quality of life and organizational productivity. Workplace violence is:

- ☐ the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- ☐ an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or,
- ☐ a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Purpose of the Policy

Name of organization is committed to preventing workplace violence and harassment. This policy defines behaviour that constitutes workplace violence and harassment and explains procedures for reporting and resolving such incidents. _____ Name of organization_____ is committed to providing a working environment free of violence and harassment by familiarizing all workplace parties with the related terminology as well as their individual responsibilities for prevention and corrective action. To establish this policy, Name of organization has consulted the joint health and safety committee (JHSC) and the following legislation governing workplace violence and harassment in Ontario:

- ☐ The Occupational Health and Safety Act
- ☐ The Criminal Code of Canada
- ☐ The Ontario Human Rights Code
- ☐ The Workplace Safety and Insurance Act, 1997
- ☐ The Compensation for Victims of Crime Act
- ☐ The Regulated Health Professions Act

Policy Statement

The management of Name of organization recognizes the potential for violence and harassment in the workplace. We will therefore make every reasonable effort to identify all potential sources of such risk to eliminate or minimize them through our workplace violence and harassment prevention program. Name of organization will not tolerate any type of violence or harassment within the workplace or during work- related activities. Name of organization is committed to allotting whatever time, attention, authority and resources necessary to ensure a safe and healthy working environment for all employees and clients to whom we provide care.

Name of organization will take every reasonable precaution to protect an employee from physical injury if we become aware, or believe, that domestic violence is a risk.

Definitions Associated with Workplace Violence and Harassment

- ❑ **Physical assault:** is any physical force or threat of physical force to create fear and control another person. Some examples include; hitting, blocking, shoving, choking, slapping or biting, or pulling hair; "caring" for the victim in an abusive way, threats of violence, and using a weapon or other objects to threaten, hurt or kill.
- ❑ **Sexual assault:** is any unwanted sexual act done by one person to another. Examples include: kissing or forcing/coercing the person into kissing; touching the person's body with or without clothes on; forcing/coercing the person to masturbate; sexual intercourse (anal or vaginal), penetrating with an object; causing bodily harm; removing or attempting to remove clothing; taking advantage of a position, trust or authority to get sex; and threatening to harm someone else if the person does not agree to do any of these things.
- ❑ **Sexual harassment:** is often interpreted as objectionable comments or conduct of a "sexual" nature. However, sexual harassment, in the broader context of unequal treatment based on gender, may refer to instances where the behaviour is not overtly sexual in nature, but is related to the person's gender, and demeans or causes personal humiliation or embarrassment to the recipient. Examples include: degrading words, rude jokes or sexual comments, name calling (e.g. "chick", "bitch"), physical contact, sexual demands, unwanted kissing or touching of a sexual nature, and insulting remarks about the person's sexual orientation, race, culture, ability, and/or income.
- ❑ **Threat (verbal or written):** is a communicated intent to inflict physical or other harm on any person or to property by some unlawful act. A direct threat is a clear and explicit communication distinctly indicating that the potential offender intends to do harm, for example, "I am going to make you pay for what you did to me." A conditional threat involves a condition, for example, "If you don't leave me alone you will regret it." Veiled threats usually involve body language or behaviours that leave little doubt in the mind of the victim that the perpetrator intends to harm.
- ❑ **Verbal/Emotional/Psychological abuse:** is a pattern of behaviour that makes someone feel worthless, flawed, unloved, or endangered. Like other forms of abuse, it is based on power and control. Examples include: swearing, put-downs/name calling over a period of time, labelling the victim in a derogatory way such as; stupid, crazy or irrational, acts of humiliation, extreme jealous behaviour, attacking the victim's self-esteem in other ways. It can also include harming pets and damaging property.

- ❑ **Workplace Bullying:** repeated and persistent negative acts towards one or more individuals, which involve a perceived power imbalance and create a hostile work environment (Salin, 2003)

Roles and Responsibilities of Workplace Parties

Employer:

- ❑ Ensure that measures and procedures in the violence and harassment prevention program are carried out. Hold management accountable for responding to and resolving complaints of violence.
- ❑ Ensure compliance by all who have a relationship with the organization, such as physicians, contractors, volunteers, etc.
- ❑ Post a copy of this policy in the workplace.
- ❑ In consultation with the JHSC, conduct regular risk assessments.
- ❑ In consultation with the JHSC, establish control measures.
- ❑ In consultation with the JHSC, establish and deliver training and education for all employees.
- ❑ Integrate safe behaviour into day-to-day operations.
- ❑ Develop a reporting process for incidents of workplace violence and harassment.
- ❑ Investigate all reports or threats of violence/harassment in a prompt, objective and sensitive way.
- ❑ Report incidents of workplace violence to the JHSC within four days if an employee is disabled from performing their own work or receives medical attention as a result of an incident.
- ❑ Take corrective action.
- ❑ Provide response measures.
- ❑ Facilitate medical attention and support for those involved directly or indirectly.
- ❑ Ensure any deaths or critical injuries are reported to a Ministry of Labour (MOL) inspector, the police (as required), JHSC or H&S representative and trade union, as well as investigated with the JHSC. Send the report explaining the circumstances to all parties in

writing within 48 hours of the occurrence. Include information and particulars prescribed by the Occupational Health and Safety Act and regulations.

- ❑ Ensure a report goes to WSIB of all accidents where a worker loses time from work, requires healthcare, earns less than regular pay for regular work, requires modified work at less than regular pay or performs modified work at regular pay for more than seven days.

Managers/supervisors:

- ❑ Enforce policy and procedures and monitor worker compliance.
- ❑ Identify and alert staff to violent persons and hazardous situations.
- ❑ Investigate all workplace violence using the organization's accident investigation procedure and form, and contact the police as required.
- ❑ Facilitate medical attention for employee(s) as required.
- ❑ Debrief those involved in the incident either directly or indirectly.
- ❑ Contact human resources to ensure the employee receives further counselling about his/her legal rights.
- ❑ Track and analyze incidents for trending and prevention initiatives.
- ❑ Immediately report a death or critical injury to an MOL inspector, the police (as required), JHSC, H&S representative and trade union, and investigate with JHS. Report the circumstance to all parties in writing within 48 hours. Include information and particulars prescribed by the regulations.
- ❑ Issue a report to the employer and WSIB on all lost-time accidents where a worker requires healthcare, earns less than regular pay for regular work, requires modified work at less than regular pay or performs modified work at regular pay for more than seven days. Copies of accident information where there is no critical injury must be provided to the JHSC and the trade union within four days of the occurrence, as prescribed by the Occupational Health and Safety Act.
- ❑ Ensure the workplace violence and harassment prevention program is reviewed at least once a year.

Employees:

- ☐ Participate in education and training programs so you can respond suitably to any incident of workplace violence or harassment.
- ☐ Understand and comply with the violence and harassment prevention policies and related procedures.
- ☐ Report all incidents or injuries of violence/harassment or threats of violence/harassment to your supervisor immediately. Complete the Workplace Violence Incident Report.
- ☐ Inform the JHSC or the worker member of the JHSC about your concerns regarding the potential for violence/harassment in the workplace.
- ☐ Contribute to risk assessments.
- ☐ Seek support when confronted with violence/harassment or threats of violence.
- ☐ Get medical attention.
- ☐ At least once a year, participate in a review of the workplace violence and harassment prevention program.

Joint Health and Safety Committee (JHSC):

- ☐ Ensure you are consulted about the development, establishment and implementation of violence prevention measures and procedures (the violence and harassment prevention program).
- ☐ Make recommendations to the employer for developing, establishing and providing training in violence prevention measures and procedures.
- ☐ At least once a year, take part in a review of the workplace violence and harassment prevention program.
- ☐ The worker-designate should investigate all critical violence-related injuries.
- ☐ Immediately review reports of critical injury or death. Outline in writing the circumstances and particulars within 48 hours of the occurrence.

Within four days, review written notices lesser injuries where any person is disabled from performing his or her usual work or requires medical attention.

Reporting and Investigation

- ❑ Workers are to report all violence-related incidents or hazards to their manager or supervisor. This report can be made confidentially at the employee's request. However, sharing information to ensure the safety of others and prevent recurrence may be necessary (e.g., contents of a police report).
- ❑ The reporting worker may make the report confidentially without leaving a copy in the log, indicating the need for confidentiality to her/his direct manager or supervisor (or in that person's absence, to another manager or supervisor).
- ❑ The manager or supervisor receiving the report investigates it and ensures that measures are taken to safeguard employees and curtail the violence or harassment. No report of workplace violence/harassment or risks of violence may be the basis of reprisal against the reporting employee.
- ❑ The employer reports all injuries to the MOL and WSIB as required by the Occupational Health and Safety Act and Workplace Safety and Insurance Act.

Response Procedures

- ❑ Using the incident investigation form, the manager or supervisor documents all reports of workplace violence/harassment, hazards and measures taken to address them.
- ❑ If the resolution of the incident is beyond the authority of a manager or supervisor, she/he must make the CEO or equivalent aware of the report. The CEO or equivalent involves other managers or supervisors in the investigation as appropriate (e.g., when the incident involves clients or employees under another manager's or supervisor's area of responsibility).
- ❑ Management reviews all incident reports, monitors trends and makes recommendations to the CEO or equivalent for prevention and enhancements to the workplace violence and harassment prevention program.

- ❑ The CEO or equivalent reviews reports of workplace violence/harassment and ensures that actions are taken.
- ❑ The managers or supervisors who investigate the reported incident warn all staff who might be affected about dangerous situations. They also tell the reporting employee about the outcome of the investigation to help minimize the chance of similar incidents.
- ❑ If a violent incident results in a critical injury to a worker, the JHSC representative or worker-designate investigates the incident or injury (Section 9(31) OHSA) and reports to the MOL and JHSC.

Emergency response measures

Refer to the organization's emergency response procedure (code white, staff alert).

Support for employees affected by workplace violence

Management will respond promptly, assess the situation and ensure that these interventions are followed:

- ❑ facilitation of medical attention;
- ❑ debriefing (by skilled professional);
- ❑ referrals to community agencies, treating practitioner and employee assistance program;
- ❑ referral to trade union;
- ❑ completion of incident reports, WSIB reports, reports to MOL (critical injury or fatality);
- ❑ reporting to police (as required); and
- ❑ team debriefing.

Risk assessment

Management (with worker involvement) assesses workplace violence hazards in all jobs, and in the workplace as a whole. It reviews risk assessments annually, as well as when new jobs are created or job descriptions are changed substantially.

Education

New employees will receive both general and site-specific orientation to the workplace violence and harassment prevention program. In addition, all employees will receive an annual review of the program's general and site-specific components.

Any training developed, established and provided will be done in consultation with, and in consideration of, the recommendations of the JHSC.

Program Evaluation

The effectiveness of the workplace violence and harassment prevention program is evaluated annually by management and reviewed by the JHSC.

Workers, managers and supervisors are accountable for establishing and implementing the policy and procedures related to workplace violence and harassment. Responsibility for complying with the health and safety policy is part of a manager's, supervisor's and worker's job description. Included in the health and safety components of job descriptions are management responsibilities for enforcing policy and procedures, investigating and responding to workplace violence and harassment.

Accountability

All workplace parties are accountable for complying with the policy, program, measures and procedures related to workplace violence.

Records

All records of reports and investigations of workplace violence and harassment are kept for five years.

Policy Review

This workplace violence and harassment prevention policy and program will be reviewed annually.

Dated at _____ on _____, 20__

Signed _____ (Senior management to sign)

Example Two – Via Canadian Human Rights Commission

Directions for using the Anti-harassment Policy Template

Placeholders can be found throughout the policy template to help you identify where information specific to your organization should be inserted.

Step 1 – Determine who in your organization will be responsible for making decisions related to this policy. All the people designated to make decisions related to this policy should have training about harassment and its related concepts. There are two roles identified in the policy:

- a. [Name and/or Position A] This role should be given to a senior manager who is familiar with the workings of the organization.
- b. [Name and/or Position B] This role should be given a dedicated human resources person or a manager familiar with the workings of the organization.

Step 2 – Replace all [Name of Organization] placeholders with the name of your organization.

Step 3 – Replace the [Name and/or Position] placeholders with the name and/or position title of the person who has been given responsibility for each role throughout the policy template.

Step 4 – It is also important to have a set of procedures for harassment complaints so that supervisors and employees are aware of the steps that will be taken if an employee makes a harassment complaint. A suggested process for handling harassment complaints has been included in this template. If appropriate, keep this process. You may also replace this section with a set of procedures that would be more suitable for your organization.

Step 5 – Read the document and add the relevant information into the remaining placeholders so that they fit your organization. Delete any placeholders that are not relevant for your organization.

Step 6 – Educate supervisors and employees about harassment concepts, and their roles and responsibilities according to your organization's anti-harassment policy.

[Name of Organization]

Anti-harassment Policy and Procedures

Policy Statement

[Name of Organization] is committed to fostering a harassment-free workplace where all employees are treated with respect and dignity.

The Canadian Human Rights Act protects employees from harassment based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

Harassment at [Name of Organization] is not tolerated. Employees who are found to have harassed another individual may be subject to disciplinary action. This includes any employee who: interferes with the resolution of a harassment complaint; retaliates against an individual for filing a harassment complaint; or files an unfounded harassment complaint intended to cause harm.

Application

This policy applies to all current employees of [Name of Organization], including full and part-time, casual, contract, permanent and temporary employees. This policy also applies to job applicants.

This policy applies to all behaviour that is in some way connected to work, including during off-site meetings, training and on business trips.

Definitions

Harassment is:

- ☐ offending or humiliating someone physically or verbally;
- ☐ threatening or intimidating someone; or
- ☐ making unwelcome jokes or comments about someone's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

Sexual harassment is:

- ☐ offensive or humiliating behaviour that is related to a person's sex;
- ☐ behaviour of a sexual nature that creates an intimidating, unwelcome, hostile or offensive work environment; or
- ☐ behaviour of a sexual nature that could reasonably be thought to put sexual conditions on a person's job or employment opportunities.

Responsibilities and Expectations

[Name of Organization] is responsible for:

- ☐ providing all employees a harassment-free workplace.

[Name and/or Position A] is responsible for:

- ☐ ensuring that this policy is applied in a timely, consistent and confidential manner;
- ☐ determining whether the allegations of harassment are substantiated; and
- ☐ determining what corrective action is appropriate where a harassment complaint has been substantiated.

[Name and/or Position B] is responsible for:

- ☐ the administration of this policy;
- ☐ reviewing this policy annually, or as required; and
- ☐ making necessary adjustments to ensure that this policy meets the needs of the organization.

Supervisors are responsible for:

- ☐ fostering a harassment-free work environment and setting an example about appropriate workplace behaviour;
- ☐ communicating the process for investigating and resolving harassment complaints made by employees;

- ❑ dealing with harassment situations immediately upon becoming aware of them, whether or not a harassment complaint has been made;
- ❑ taking appropriate action during a harassment investigation, including separating the parties to the harassment complaint, when appropriate; and
- ❑ ensuring harassment situations are dealt with in a sensitive and confidential manner.

Employees are responsible for:

- ❑ treating others with respect in the workplace;
- ❑ reporting harassment to [Name and/or Position B];
- ❑ cooperating with a harassment investigation and respecting the confidentiality related to the investigation process;

Employees can expect:

- ❑ to be treated with respect in the workplace;
- ❑ that reported harassment will be dealt with in a timely, confidential and effective manner;
- ❑ to have their rights to a fair process and to confidentiality respected during a harassment investigation; and
- ❑ to be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

Procedures for Addressing a Harassment Complaint

Filing a Complaint

An employee may file a harassment complaint by contacting [Name and/or Position B]. The complaint may be verbal or in writing. If the complaint is made verbally, [Name and/or Position B] will record the details provided by the employee.

The employee should be prepared to provide details such as what happened; when it happened; where it happened; how often and who else was present (if applicable).

Complaints should be made as soon as possible but no later than within one year of the last incident of perceived harassment, unless there are circumstances that prevented the employee from doing so.

[Name and/or Position B] will tell the person that the harassment complaint has been made against, in writing, that a harassment complaint has been filed. The letter will also provide details of the allegations that have been made against him or her.

Every effort will be made to resolve harassment complaints within [number] days. [Name and/or Position A] will advise both parties of the reasons why, if this is not possible.

If either party to a harassment complaint believes that the complaint is not being handled in accordance with this policy, he or she should contact [Name and/or Position A].

Mediation

Wherever appropriate and possible, the parties to the harassment complaint will be offered mediation prior to proceeding with a harassment investigation.

Mediation is voluntary and confidential. It is intended to assist the parties to arrive at a mutually acceptable resolution to the harassment complaint.

The mediator will be a neutral person, agreed upon by both parties. The mediator will not be involved in investigating the complaint.

Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.

Investigation

If mediation is inappropriate or does not resolve the issue, a harassment investigation will be conducted. All investigations will be handled by an individual who has the necessary training and experience. In some cases, an external consultant may be engaged for this purpose.

The investigator will interview the person who made the complaint, the person the complaint was made against and any witnesses that have been identified. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.

The investigator will prepare a report that will include:

- ☐ a description of the allegations;
- ☐ the response of the person the complaint was made against;
- ☐ a summary of information learned from witnesses (if applicable); and
- ☐ a decision about whether, on a balance of probabilities, harassment did occur.

This report will be submitted to [Name and/or Position A]. Both parties to the complaint will be given a copy.

Substantiated Complaint

If a harassment complaint is substantiated, [Name and/or Position A] will decide what action is appropriate.

Remedies for the employee who was harassed may include: an oral or written apology; compensation for lost wages; compensation for any lost employment benefits such as sick leave; and compensation for hurt feelings.

Corrective action for the employee found to have engaged in harassment may include: a reprimand; a suspension; a transfer; a demotion; and/or dismissal. Both parties to the complaint will be advised, in writing, of the decision.

Other Redress

An employee who is not satisfied with the outcome of the harassment complaint process may file a discrimination complaint with the Canadian Human Rights Commission [if applicable: and title of other grievance mechanism].

Privacy and Confidentiality

All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know.

[Name of Organization] and all individuals involved in the harassment complaint process, will comply with all requirements of the [if applicable: title of privacy legislation] to protect personal information.

Review

[Name of Organization] will review this policy and procedures on an annual basis, or as required, and will make necessary adjustments to ensure that it meets the needs of all employees.

Enquiries

Enquiries about this policy and related procedures can be made to [Name and/or Position B].

Date: [Month/Day/Year]

CONCLUSION

For any employer running a company in Canada, effective handling of workplace harassment could mean the difference between success and failure as an establishment.

Demonstrating a commitment to effectively educating and protecting your staff builds the confidence in a work environment that allows passionate employees to deliver without fear of bullying or harassment.

An effective training program will definitely set the stage for effective education of staff on organic company policy and laws regarding workplace harassment in general. Create the best possible custom employee training program with Vocam's Business Training-TV at your side.

Workplace bullying and harassment doesn't have to be a thorn on your company's side, but an opportunity for positive, productivity-oriented growth.

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