

SAMPLE WORKPLACE HARASSMENT POLICY

INTRODUCTION

(Company Name) recognizes that every person possesses basic human rights including the right to respect, dignity, and protection from all forms of harassment.

(Company Name) will adhere to the spirit and intent of all applicable legislation governing workplace harassment including, but not limited to, the *Ontario Human Rights Code* and the *Occupational Health and Safety Act*.

(Company Name) is committed to maintaining a workplace where all workers are treated with dignity and respect and will have zero tolerance of any form of harassment towards its workers.

This policy outlines the commitment, principles and procedures that *(Company Name)* will follow with respect to preventing and stopping harassment in the workplace. Any violation of this policy will be subject to disciplinary action up to, and including dismissal.

ACCOUNTABILITY

(Company name) will:

1. Appoint a Workplace Violence and Harassment Coordinator;
2. Establish procedures to effectively address alleged instances of workplace harassment;
3. Provide all workers with training and information regarding this policy;
4. Monitor the company's compliance with this policy and related procedures;
5. Review this policy annually to ensure that it is current and effective;

Accountability for ensuring compliance with the provisions of this policy rest with the *(Director of Human Resources)* or designate.

All workers are expected to:

1. Familiarize themselves with this policy;
2. Attend any training related to this policy;
3. Ask their supervisor for clarification on this policy if they have questions;
4. Help promote a harassment-free workplace;
5. Refrain from workplace harassment as defined in this policy; and
6. Immediately report instances of actual or potential workplace harassment, whether directly experienced or witnessed, to *(appropriate management staff.)*

It is the responsibility of management to:

1. Foster a harassment-free workplace;

2. Model respectful behaviour in the workplace;
3. Ensure that workers under their supervision receive adequate information and training on this policy;
4. Report any incidents or potential for harassment to (*Human Resources/ Health and Safety*);
5. Investigate all aspects of any reported instances of harassment in conjunction with (*the Director of Human Resources*) in a timely manner;
6. Maintain confidentiality in the investigation process;

APPLICATION AND SCOPE

The policy is applicable whenever a worker:

- Carries out duties or conducts business on behalf of (*Company Name*).
- Represents (*Company Name*) on committees or at work related events/ conferences;
- Attends work-related functions; and/or
- Socializes with other workers

Locations and situations covered by this policy include, but are not limited to:

- (*Company Name*) offices and worksites;
- Other buildings or premises under the jurisdiction of (*Company Name*);
- Company vehicles;
- Social functions sanctioned by or under the jurisdiction of (*Company Name*) whether held at company offices or facilities or at other locations approved by the company;
- Work-related travel outside of company facilities;
- Incidents which occur outside the workplace but have negative repercussions at work or adversely affect working relationships;
- Harassment that occurs by electronic means (e-mail, telephone, voice mail, internet, or fax) or written communication; and
- Any other locations or events where company business, operations, or social functions are carried out.

DEFINITIONS

Worker:

As used in this policy, the term “worker” includes any full-time, part-time, probationary, temporary and casual worker as well as volunteers and students. It also extends to the (*Board of Directors and Committee members*).

This policy also protects workers from workplace harassment by those individuals whom workers may contact in the course of their job duties. These include, but are not limited to, clients, members of the public, and those who supply goods and services to (*company name*).

Reprisal:

Reprisal refers to a negative action or omission against a worker who:

- Invokes this Policy, whether on behalf of oneself or another individual;
- Participates or co-operates in any inquiry under this policy;
- Associates with a person who has invoked this Policy or participated in its procedures; and/or
- Performs a legitimate role under this Policy.

Workplace Harassment:

"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. This includes comments or actions in the workplace which negatively affect working relationships or productivity or create a poisoned work environment.

Workplace harassment includes psychological or personal harassment and bullying, as well as comments and conduct prohibited under the grounds stipulated in the *Ontario Human Rights Code*.

Harassment may occur as one incident, or a series of incidents, involving unwelcome comments or conduct.

Examples of harassing behaviour include but are not limited to:

- Verbal abuse or inappropriate displays of anger;
- Bullying behaviour;
- Comments or actions which constitute harassment or discrimination under the *Ontario Human Rights Code* including, but not limited to, sexual harassment and harassment based on race, religion, ethnic background, or disability;
- The display, circulation, or electronic transmission of pornographic, racist or other offensive or derogatory text or pictures;
- Conduct which interferes with a person's work performance or creates an intimidating, hostile or offensive work environment;
- Unfounded complaints which are made in bad faith, in reprisal, frivolously or with malicious intent;
- Interfering with a workplace violence or harassment investigation; intimidating a complainant, respondent or witness; or influencing a person to give false or misleading information;
- Reprisal as defined in this policy;
- Any other inappropriate, negative, disrespectful, or unprofessional treatment of others; and/or
- Failure of supervisors, in keeping with their authority, to respond in accordance with this policy to interpersonal misconduct or allegations of discrimination or harassment. Such failure may be considered as condoning

such behaviour and therefore a violation of this policy.

Note:

This policy does not prohibit management staff from carrying out functions which fall within their rights and responsibilities, provided this is done in an appropriate, professional manner which does not constitute an abuse of power. Such functions include, but are not limited to, conducting performance appraisals, addressing performance and conduct issues, delegating work assignments, and determining work locations and schedules for staff.

COMPLAINT PROCEDURE

Any person who feels that he/she has experienced workplace harassment may take the necessary steps, file a complaint under this policy, or initiate proceedings, without prejudice or fear of reprisal. If you believe that you have been subjected to workplace harassment:

Step 1

- *Ask the person to stop.* Do so as soon as you experience any form of unwelcome comment or conduct. Although this may be difficult to do, telling the person that you do not like their actions is often enough to stop the behaviour. Remind the person that the conduct is against (*company name*) policy. If you are not comfortable with approaching the person go to Step 3.
- If you believe that someone who is not a worker, e.g. a customer, supplier, etc., has subjected you to harassment, please report the incident to your Supervisor immediately. Harassing behaviour from non-workers is not acceptable and will be dealt with under this policy.

Step 2

- Keep a record of the incident(s) including dates, location, witnesses, your response to the individual and any other pertinent information.
- If allegations of workplace harassment or violence are made against you, keep a record of your version of the alleged incident. If you believe the complaint is unfounded or made in bad faith, discuss the matter with your immediate Supervisor or with Human Resources.

Step 3

- If the violent or harassing behaviour does not stop, bring the complaint immediately to the attention of your immediate Supervisor and Human Resources. Any formal written complaint filed by a worker must contain:
 - name(s) of the respondent(s) to the complaint;
 - the date or dates of the incident(s);

- location(s) of the incident(s);
- details of the incident(s);
- names of any witnesses.

The (*Director of Human Resources*) will then address the issue with the alleged offender in accordance with Step 4.

Step 4

- (*The Director of Human Resources*) will review the written complaint and may determine that an investigation is warranted if there is sufficient prima facie evidence to indicate that harassment has occurred. Effective temporary measures will be implemented to protect the victim, if necessary.
- The complainant will be advised that the respondent has a right to know who is making allegations against him/her and will be provided with a copy of the written complaint for their response.
- Confidentiality will be maintained at all times except where the disclosure of names is necessary for the purpose of investigating the complaint, when taking any action in relation to the complaint, or where disclosure is required by law.
- If criminal actions are alleged, witnessed, or found to have occurred, the responding member of management will contact the Police immediately. Criminal actions include, but are not limited to, the following behaviours:
 - The displaying of hate-based graffiti or pornography;
 - The transmission or storing of electronic telecommunications that incite hatred and violence or that constitute pornography;
 - The displaying of symbols or emblems (including clothing) that suggest racial supremacy and incite hatred and violence;
 - Stalking (persistently pursuing a particular individual although the advances are clearly unwelcome)
 - Sexual assault or threat of sexual assault;
 - Threats against an individual or their loved ones or family;
 - Extortion; and/or
 - Physical assault or threats of physical assault

Note:

Whether or not a formal complaint is filed, the (Director of Human Resources) may be obligated to proceed with an investigation if it appears that applicable legislation and/or the policy has been violated.

FORMAL INVESTIGATION PROCEDURE

1. The Director of Human Resources or a designated investigator will undertake an investigation immediately and all necessary steps will be taken to resolve the problem.
2. Individual interviews with the complainant, the respondent and any witnesses will be held. If you are interviewed, you may have a co-worker or other support person present with you as an observer at the meeting.
3. If the investigation reveals evidence to support the complaint of workplace violence or harassment, appropriate measures will be taken. These may include disciplinary action up to and including discharge.
4. If the respondent is disciplined, the incident will be documented and filed in his/her employment file in accordance with Human Resources documentation procedures.
5. If the investigation fails to find evidence to support the complaint, no documentation will be placed in the parties' personal Human Resources files.
6. If resolution is not achieved, you may still exercise your rights under the *Ontario Human Rights Code* or the *Occupational Health and Safety Act* as appropriate.
7. Workers who make legitimate, complaints of harassment in good faith will not have their employment affected in any adverse manner.
8. Where the complaint is determined to be abusive, frivolous, vindictive, or made in bad faith, the company will take appropriate action towards the complainant, which may include discipline.
9. Reprisal against an individual who has filed a complaint in good faith or who has been named as a witness or respondent in a complaint, whether or not the complaint was substantiated and whether or not the complaint was resolved through any of the procedures set out in this policy, may itself become an incident of workplace harassment and could result in disciplinary action being taken by the company.

WORKER ACKNOWLEDGEMENT FORM

For Receipt of the Workplace Harassment Policy:

I have read, understood and agree to comply with the terms of this Policy. I understand that violation of this policy may result in disciplinary action, possible termination and/or civil and criminal penalties:

Signature:	Date:
Printed name:	Business Unit:

DRAFT