

# Anti-Harassment Policy



## **PURPOSE**

[*Insert company name*] (“the Company”) is committed to the prevention and eradication of harassment in the workplace in all its forms. Harassment is against the law and will not be tolerated under any circumstances by the Company. The purpose of this policy is to prevent harassment in the workplace, communicate the rights and responsibilities of those involved in a harassment claim and alleviate effects in the event harassment does occur.

Harassment in all of its forms has a negative impact on employees and the overall productivity and profitability of the Company. An employee who is harassed may suffer from a range of physical, mental and emotional stresses that may compromise their wellbeing, keep them away from work and negatively affect their productivity. A harassed employee may even resign, which decreases morale and increases both turnover and labor-related costs. Harassment can create a poisoned work environment that makes it difficult for all employees to perform their work.

## **SCOPE**

This policy applies to all Company employees, regardless of status or position, including temporary workers, contractors and consultants.

This policy also applies to any acts of harassment that may occur between employees and non-employees (such as potential

employees, customers, clients, vendors, business partners, couriers, etc.).

## **RESPONSIBILITIES**

The Human Resources Department and members of the management and executive teams are responsible for receiving, mediating and investigating harassment complaints. These individuals will have a thorough knowledge of procedure, the extent of limits of their decision-making and action-taking authority, and how to support the employees involved.

The Company is committed to training and providing access to internal anti-harassment advisors. These advisors are independent of any mediation or investigation surrounding a harassment complaint. All advisors have received formal anti-harassment training, are deeply familiar with the Company's anti-harassment policies and procedures, are committed to discretion and confidentiality, and are aware of avenues of recourse for both the complainant and the accused. Anti-harassment Advisors include the following:

- *[insert name of advisor, role and contact information]*
- *[insert name of advisor, role and contact information]*
- *[insert name of advisor, role and contact information]*

## **HARASSMENT CLAIM PROCESS**

An employee making a claim of harassment will be expected to follow the stated procedure for filing a claim.

An employee accused of harassment will be immediately informed of the charge, his/her rights and responsibilities, and the possible penalty if found guilty.

All parties involved in a harassment claim will be informed of the nature of the investigation to take place (if any), who will make the decisions and whether the decision can be appealed.

To prevent conflict of interest, the individual charged with investigating the claim and the individuals charged with providing advising support to those involved should not be the same person nor should these individuals possess any bias for or against either the claimant or the accused.

## **DEFINITIONS**

- Harassment: Unwelcome behavior that embarrasses demeans or humiliates another, which any reasonable person would recognize as unwelcome. Harassment can take the form of actions (e.g. touching), displays (e.g. posters), persistent communications (e.g. repeated texting, email) and comments (e.g. joking or making inappropriate remarks, repeated and unwanted comment even if they would not necessary individually be considered inappropriate).
- Poisoned environment: A poisoned environment is created when comments or conduct (including comments or conduct that is condoned and allowed to continue when brought to the attention of management) that creates a harassing environment. The comments or conduct need not be directed at a specific person and may be made by any other person regardless of the person's position or status. A single comment or action may create a poisoned environment if the comment or action is sufficiently serious.
- Allegation: An unproven assertion or statement on based on a person's perception
- Complainant: A person alleging harassment has occurred
- Reasonable Person Test: An objective standard use to measure whether a comment or conduct would constitute harassment. It considers what a reasonable person might have considered under similar circumstances, including the recipients' perspective of the comments or conduct.

## **GOVERNING LAWS AND REGULATIONS**

[list applicable human rights, employment standards and/or OHS laws]

## GENERAL PRINCIPLES

1. All employees have the right to work in a harassment-free environment.
2. All employees have a responsibility to treat others with respect.
3. Executives and managers at the Company must commit to identifying, mitigating and eliminating discrimination in the workplace to promote a safe and healthy work environment for everyone.
4. All Company employees are encouraged to speak up, even directly with the harasser, when they see harassment occurring and feel safe to do so.
5. Harassment is prohibited related to
  1. age
  2. race, national, ancestry or ethnic origin, colour, citizenship, place of origin
  3. religion
  4. gender, sex (including pregnancy and breastfeeding), sexual orientation, gender expression, gender identity
  5. marital or family status
  6. disability
  7. record of offenses
  8. associations or relationships with persons identified under one of these grounds
  9. differences in authority.
6. Harassment also includes an individual being ostracized by colleagues.
7. Other demeaning or disrespectful behavior not addressed by the prohibited grounds stated above is prohibited.
8. All Company employees are required to receive formal anti-harassment training on a [*insert frequency, such as annual*] basis.

9. All claims of harassment will be taken seriously and investigated promptly.
10. Even if no formal complaint has been filed, management has the responsibility to resolve instances of harassment as soon as the instance has been brought to their attention by any means.

## **SEXUAL HARASSMENT**

1. Often sexual harassment takes place between people of unequal power in the workplace or is directed towards someone in a position of vulnerability due to his/her being in the minority or in other vulnerable circumstances (such as lacking financial resources or other supports)
2. Sexual harassment includes offensive, unwelcome or intimidating behavior relating to a person's gender, or could reasonably be thought to put sexual conditions on a person's employment or employment opportunities. Examples of these behaviors include:
  1. touching a person in a sexual way
  2. commenting on someone's sexual attractiveness or unattractiveness
  3. persistence in asking for a date after having been refused
  4. discussions or questions about a person's sexual life
  5. looking or staring at someone in a sexually suggestive way
  6. writing sexually suggestive messages
  7. displaying images of a sexual nature
  8. telling someone that they are not suited to a particular job because of gender
  9. sending videos, links or social media posts that are sexual in nature including jokes, poems, limericks and other related items.

## **ABUSE OF AUTHORITY**

Abuse of authority occurs when a person unreasonably uses their power or authority to interfere with an employee or an employee's job. It includes intimidation, threats, coercion, and humiliation. It does not include normal managerial activities such as performance appraisal, counseling and discipline as long as they are not done in a discriminatory manner.

## **HARASSMENT COMPLAINTS**

1. Many employees are afraid to file a harassment complaint for fear of embarrassment, retaliation, job loss, rejection by colleagues or not being believed. A complaint-free workplace does not guarantee that harassment problems do not exist.
2. Harassment complaints may be informal or formal.
  1. Informal – These complaints do not involve a formal investigation, report or decision and are usually initiated by an employee in order to gain help, advice or intervention.
  2. Formal – These complaints typically result in investigation, a report and a final decision on action to be taken.
3. An employee making a claim of harassment will be protected in the following ways: [*describe actions including confidentiality, protection from reprisal, etc.*]
4. Mediation by an objective third-party is available to resolve complaints, but only with the consent of both the complainant and the accused. Mediation is not recommended where a power discrepancy exists or in cases of severe harassment where termination may result. Mediation can be terminated at any time and escalated to a formal investigation.
5. The formal process for resolving harassment claims is:
  1. Filing a complaint – File formal harassment complaints with [*insert name of department or*

*role*].

2. Investigating a complaint – An independent and objective investigator will be assigned by the [*insert name of department or role*]. This individual will interview all parties involved in the complaint, as well as witnesses, to determine the veracity of the claim.
3. Reporting of findings – The report will state who was interviewed, what questions were asked, conclusions and recommended remedies and/or actions.
4. Decision-making and appeals – A decision will be made by [*insert name of department or role*] within [*insert number*] days of receipt of the findings report. The decision will (and must) follow directly from the information in the findings report. Both the complainant and the harasser have [*insert number*] days from the announcement of the decision to launch an appeal of that decision.
5. Remedies for the victim – Remedies can include an apology from the Company, an apology from the harasser (if appropriate), financial compensation, and reparations for lost job opportunities.
6. Corrective action for the harasser – Corrective action can include written reprimand, leave without pay, demotion, and/or termination.
6. All employees found guilty of harassment will be required to undergo additional anti-harassment training, assuming they are still employed by [company name] at the conclusion of the claim investigation.
7. If an employee is unsatisfied with the outcome of the internal harassment investigation, he or she may contact the following:
  1. [*insert name of union organization*]
  2. [*insert name of appropriate human rights body*]
  3. [Police (in the event of criminal offense, such as physical or sexual assault)].

## **NON-COMPLIANCE**

Violations of this policy will be treated like other allegations of wrongdoing at the Company. Allegations of misconduct will be adjudicated according to established procedures. Sanctions for violation of this policy may include, but are not limited to, one or more of the following:

- Temporary or permanent revocation of system access;
- Disciplinary action according to applicable the Company policies;
- Termination of employment; and/or
- Legal action according to applicable laws and contractual agreements.

## **AGREEMENT**

I have read and understand the Anti-Harassment Policy. I understand that if I violate the rules explained herein, I may face legal or disciplinary action according to applicable laws or company policy.

Employee Name \_\_\_\_\_

Date \_\_\_\_\_

## **OTHER RESOURCES:**

[Can You Recognize a Workplace Bully'](#)

[Traps to Avoid: Not Taking Harassment Complaints Seriously](#)