SAMPLE HARASSMENT POLICY

Employers must design a harassment policy that best reflects the needs of their organization.

**Statement of Commitment**

Every worker is entitled to employment free of harassment. *Employer’s Name* is committed to ensuring a productive work environment where the dignity and worth of every person is respected.

Workplace harassment will not be tolerated and *Employer’s Name* will take all reasonable steps to prevent harassment and stop it if it occurs.

**Definition of Harassment**

**Harassment Based on Prohibited Grounds**

This includes any inappropriate conduct, comment, display, action or gesture by a person that:

* is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital

status, family status, disability, physical size or weight, age, accent, nationality, ancestry or place of origin; and

* constitutes a threat to the health or safety of the worker.

**Sexual harassment**

This includes conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or unwelcome.

* a direct or implied threat of reprisal for refusing to comply with a sexually-oriented request;
* unwelcome remarks, jokes, innuendos, propositions or taunting about a person’s body, attire, sex or sexual orientation;
* displaying pornographic or sexually explicit pictures or materials;
* unwelcome physical contact;
* unwelcome invitations or requests, direct or indirect, to engage in behaviour of a sexual nature; or
* refusing to work with or have contact with workers because of their sex, gender or sexual orientation.

**Personal Harassment**

This includes any inappropriate conduct, comment, display, action or gesture by a person that:

* adversely affects a worker’s psychological or physical well-being; and
* the perpetrator knows or ought to reasonably know would cause the worker to be humiliated or intimidated.

Personal harassment must involve repeated conduct or a single, serious incident that causes a lasting harmful effect on the worker. All incidents of inappropriate conduct should be appropriately addressed to ensure that the workplace remains respectful and free of harassment.

Personal harassment may include:

* verbal or written abuse or threats;
* insulting, derogatory or degrading comments, jokes or gestures;
* personal ridicule or malicious gossip;
* unjustifiable interference with another’s work or work sabotage;
* refusing to work or co-operate with others; or
* interference with or vandalizing personal property.

**What is Not Harassment**

This harassment policy does not extend or apply to day-to-day management or supervisory decisions involving work assignments, job assessment and evaluation, workplace inspections, implementation of appropriate dress codes and disciplinary action. These actions are not harassment, even if they sometimes involve unpleasant consequences. Managerial actions must be carried out in a manner that is reasonable and not abusive.

The policy also does not extend to harassment that arises out of circumstances unrelated to the worker’s employment. For example, harassment is not covered if it occurs during a social gathering of co-workers that is not sponsored by the employer. However, harassment that occurs while attending a conference or training session at the request of the employer is covered.

Other situations that do not constitute harassment include:

* physical contact necessary for the performance of the work using accepted industry standards;
* conduct which all parties agree is inoffensive or welcome; or
* conflict or disagreements in the workplace, where the conflict or disagreement is not based on one of the prohibited grounds.

Harassment can exist even where there is no intention to harass or offend another. Every person must take care to ensure his or her conduct is not offensive to another.

**Employer’s Commitment**

*Employer’s Name* and its managers and supervisors will take all complaints of harassment seriously. We are committed to implementing this policy and to ensuring it is effective in preventing and stopping harassment, as well as creating a productive and respectful workplace.

This commitment includes:

Informing all persons in the workplace of their rights and obligations

* A copy of the harassment policy will be provided to all workers.
* A copy of the harassment policy will be posted on the company bulletin board.
* The company’s policy statement on harassment will be posted in each work area in a location that is visible to all staff and the public.

Training all persons in implementing the harassment policy

* An information meeting will be held with all staff to answer questions about the policy.
* Supervisors will review the policy with new workers as part of their orientation.
* People designated to receive, investigate or resolve complaints will be trained in their roles and responsibilities.
* All *Employer’s Name* managers, directors, officers, and supervisors are expected to set a good example and help foster a respectful workplace.

Assigning responsibility for implementing this policy

* *Employer’s Name* will designate all supervisors authorized to take corrective action in accordance with this policy.

Protecting workers trying to prevent or stop harassment

* Harassment complaints and investigations will be held in the strictest of confidence

except where disclosure is necessary to investigate the complaint, take corrective action or required by law.

* Action will be taken to prevent reprisal against people who make a harassment complaint in good faith, which may mean informing complainants and alleged harasser(s) of this commitment.

Promptly taking action necessary to stop and prevent harassment

* Appropriate action, sufficient to ensure the harassment stops and does not happen again, will be taken against people who are or were engaged in, or participated, in harassment.
* When necessary, customers, contractors or other visitors will be informed certain conduct will not be tolerated.

Ensuring the policy remains current

* The effectiveness of the policy will be reviewed in consultation with the JOHSC or Safety representative every *number* years.

**Employee’s Duty**

All workers, including managers and supervisors employed by *Employer’s Name* shall refrain from causing or participating in the harassment of another worker, and co-operate with any person investigating harassment complaints.

**Third-party Harassers**

This policy covers harassment connected to any matter or circumstance arising out of the worker’s employment. Customers, clients, patients, contractors or their workers and others invited to the workplace could harass an employee.

*Employer’s Name* may have limited ability to investigate or control their conduct. However,  *Employer’s Name* shall take reasonably practicable action to stop or reduce the risk to its workers of being harassed by third parties.

This action may include:

* posting the harassment policy in a location visible to third parties;
* requiring certain contractors and their workers to accept and meet the terms of the harassment policy; and
* removing workers who participate in harassment.

Where a client or customer has been asked to stop abusing or harassing a worker and does not, workers are authorized to:

* end telephone conversations;
* politely decline service; and
* ask the customer or client to leave the workplace.

**Malicious Complaints**

Where an investigation finds a complainant has knowingly made a false allegation, the complainant will be subject to appropriate discipline.

**Other Options for Complainants**

Nothing in this policy prevents or discourages a worker from referring a harassment complaint to the Workers’ Safety and Compensation Commission.

A worker may also file a complaint with the Human Rights Commission under the *Human Rights Act.*

A worker also retains the right to exercise any other legal avenues available.