

## Respectful Workplace – Harassment Prevention-Bill 168 Policy

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### Policy Statement

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[Insert Company Name] (“Insert Acronym If Applicable”) is committed to providing a working environment that is respectful, comfortable and safe for all employees (“workers”). [Insert Company Name] has an obligation and legal responsibility to maintain a workplace that is free from discrimination and harassment. [Insert Company Name] wishes to assure all workers that it takes seriously its commitment to adhere to both the spirit and provisions of the *Human Rights Code* and *Occupational Health & Safety Act* and prevent discrimination and harassment in the workplace.

[Insert Company Name] will not tolerate or condone any discrimination, unequal treatment or offensive behaviour based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, sex, sexual orientation, gender identity or gender expression, record of offences, marital status, family status, or disability (handicap).

In addition, [Insert Company Name] wishes to make it very clear that any harassment (a course of comment or conduct that is improper, unwelcome and unwanted), based on the above grounds, is also unacceptable behaviour and will be acted upon.

Sexual harassment—including remarks of a sexual nature directed at an individual, requests for sexual favours or threats for refusing sexual advances and, in general, sexual actions or comments that “poison” the work environment—is unacceptable.

Whether committed by a co-worker or a supervisor, acts of discrimination and harassment are illegal, and are considered a form of worker misconduct and a violation of [Insert Company Name]’s policy.

The intent of this policy and its procedures is to prevent discrimination and harassment from taking place, and to act upon complaints promptly, fairly and thoroughly. It is recognized that [Insert Company Name] has other policies in place that pertain to harassment, discrimination and violence. This policy complements other such policies. It is not intended to supersede or conflict with any other company policies, collective agreement or prevailing laws.

Supervisors have an obligation to model professional behaviour and respond quickly to concerns and incidents of discrimination and harassment and not ignore, condone or tolerate such behaviour. Failure to act in such circumstances may also be a violation of the *Human Rights Code*, the *Occupational Health & Safety Act* and [Insert Company Name]’s own policy.

### Complaint Procedure

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If you are being harassed:

1. Tell the harasser their behaviour is unwelcome and ask them to stop.

2. If the harassment persists, or you feel uncomfortable approaching the perpetrator, contact your immediate supervisor or Human Resources.
3. Keep a record of incidents (date, times, locations, possible witnesses, what happened, your response).

If you experience, witness or learn of potential discrimination or harassment or any other type of disrespectful or inappropriate behaviour, do not ignore it. The person observing the behaviour should either report it immediately or inquire with the individual(s) involved to determine whether the conduct observed was offensive and unwelcome; if so, the matter should be reported.

Upon receipt of a report of prohibited conduct, [Insert Company Name] will take prompt action, which may include conducting an investigation. The investigative process may require [Insert Company Name] to contact the individual(s) who may have engaged in the prohibited conduct as well as witnesses to such conduct.

Reprisal against a worker after they have brought forth a complaint of discrimination or harassment or participated in an investigation is unlawful. Once allegations of such conduct are raised, management is duty-bound to investigate. Confidentiality will be maintained where possible and on a “need to know” basis. Those participating in the investigation will be asked to keep their testimony confidential from others in the workplace, and asked not to discuss the case.

## Definitions

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For the purposes of this policy, the following terms are defined:

### **Harassment:**

Harassment means engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome. It may include unwelcome, unwanted, offensive, or objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work environment; interfering with an individual's work performance; adversely affecting an individual's employment relationship; and/or denying an individual dignity and respect. Harassment may result from one incident or a series of incidents. It may be directed at specific individuals or groups.

### **Reprisal:**

Reprisal is retaliation. It refers to a negative action or omission against a worker who:

- Invokes this policy, whether on behalf of themselves 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.

**Sexual Harassment:**

Sexual harassment is any unsolicited conduct, comment, or physical contact of a sexual nature that is unwelcome by the recipient. It includes, but is not limited to, any unwelcome sexual advances (verbal, written or physical), requests for sexual favours, sexual and sexist jokes, racial, homophobic, sexist or ethnic slurs; written or verbal abuse or threats; unwelcome remarks, jokes, taunts, or suggestions about a person's body, a person's physical or mental disabilities, attire, or on other any physical or other attributes that are captured by a prohibited ground of discrimination; unnecessary physical contact such as patting, touching, pinching or hitting; patronizing or condescending behaviour; displays of degrading, offensive or derogatory material such as graffiti or pictures; physical or sexual assault.

**Supervisor:**

A person who has charge of a workplace or authority over a worker. Generally this would include those with a position title such as Director, Manager or Supervisor, as well as any other management type position, or those in a temporary supervisory position.

**Worker:**

Refers to any person regarding whom [Insert Company Name] pays wages or a salary, has control over their assigned work and has a right to control the details of their work. It also extends to the senior management level.

This includes, but is not limited to:

- a. full-time workers
- b. part-time workers
- c. seasonal workers
- d. contract workers

**Workplace:**

Any building or part of a building in which one or more workers work, including lunchrooms, changing and lounge areas, and any vehicle or conveyance, or any area including outside worksites, where workers perform their duties. Harassing or discriminatory behaviour which occurs outside of the physical workplace but adversely affects relationships in the work environment is nevertheless considered work-related.

## Policy Administrative Controls

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**Responsibilities**

[Insert Company Name] is responsible for reviewing this policy every three (3) years and implementing recommended amendments to ensure on-going compliance with regulated standards and legislated obligations.

Management personnel will ensure that they and the workers under their supervision are familiar with this policy.

**Monitoring and Contraventions**

Management personnel will monitor current practices to ensure compliance. Disciplinary action for violations of this policy will take into consideration the nature and impact of the violations, and may include a verbal or written reprimand, suspension (with or without pay) or dismissal (with or without notice).

Similarly, any deliberate false accusations are of equally serious nature and will also result in disciplinary action up to and including dismissal without notice for just cause.

**Please note**

This policy is subject to amendment and/or revocation at the company's sole discretion, without prior notice to workers.

Issue Date:	Jun 08, 2015	Revision Frequency:	3 years or as required
Revision Date:	New Issue	Revision Number:	0.0
Signing Authority:	[Insert Name]		
Function:	[Insert Job Title of Signing Authority]		

## WORKER ACKNOWLEDGEMENT FORM

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For Receipt of the Respectful Workplace – Harassment Prevention-Bill 168 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.