

SAMPLE ANTI-HARASSMENT POLICY

This example of an anti-harassment policy can guide you in developing your own policy. This policy is written for distribution in XYZ Company, a fictitious organization.

Company Commitment

At XYZ Company, we are committed to providing a safe and respectful work environment for all staff and customers. No one, whether a manager, an employee, a contractor, or a member of the public, has to put up with harassment at XYZ Company, for any reason, at any time. And, no one has the right to harass anyone else, at work or in any situation related to employment. This policy is one step toward ensuring that our workplace is a comfortable place for all of us.

Harassment is against the Law

The Human Rights Code (“*The Code*”) prohibits harassment on the basis of race, colour, ancestry, nationality or place of origin, ethnic background, religion, age, sex and pregnancy, gender-determined characteristics, sexual orientation, marital and family status, source of income, political belief and physical or mental disability. The Criminal Code prohibits physical and sexual assault. You have a right to live and work without being harassed, and if you are harassed, you can do something about it. This policy tells you what to do if you experience harassment at work, or if you, as a manager or an employee, become aware of a harassing situation.

What harassment is

Harassment is any behaviour that degrades, demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions (eg. touching, pushing), comments (eg. jokes, name-calling) or displays (eg. posters, cartoons).

Harassment can take place in the workplace itself, or outside of the workplace in a situation that is in some way connected to work. For example, during delivery trips, off-site meetings, business trips. Harassment will not be tolerated in any work-related place or event.

Sexual harassment includes offensive or humiliating behaviour that is related to a person’s sex, as well as behaviour of a sexual nature that creates an intimidating, hostile, or “poisoned” work environment, or that could reasonably be thought to put sexual conditions on a person’s job or employment opportunities. A few examples are: questions and discussions about a person’s sexual life; persisting in asking for a date after having been refused; writing sexually suggestive letters

or notes. Sexual harassment often occurs in situations where there is unequal power between the people involved.

What isn't harassment

Consensual banter or romantic relationships, where the people involved consent to what is happening, are not harassment. Appropriate performance reviews, counselling, or discipline by a supervisor or manager are not harassment.

Employees' Rights and Responsibilities

All employees have the responsibility to treat each other with respect, and to speak up if they or someone else is being harassed. All employees have a responsibility to report harassment to the appropriate person.

Employees also have a responsibility to cooperate in the investigation of a harassment complaint. Anyone who gives evidence in an investigation, or who is otherwise involved in the process, must keep this information confidential, except as is necessary to deal effectively with the complaint.

Employers' and managers' responsibilities

XYZ Company and its managers/supervisors have full responsibility for fostering a safe working environment, free of harassment. All management at XYZ Company has the responsibility to stop harassment. If you become aware of harassment in your work area, or elsewhere in the company, you must do everything you can to stop it, whether or not a complaint has been made. Courts may impose penalties on the employer and management, even if neither of them was actually involved in or aware of the harassment but should have known about it. Managers who ignore harassment will not only face legal responsibility, but will be disciplined by XYZ Company.

Procedures applying to complaints of harassment

1. If you are being harassed, the first thing to do is tell the person harassing you to stop, if possible. You can do this in person or in writing.
2. If communicating directly with the person does not work or you feel unable to deal with him/her directly, you can speak to your supervisor or (identify a specific manager, or designated members of an anti-harassment committee).
3. There may be informal ways to address your complaint: you can have the supervisor you have advised of the complaint assist you speak to the harasser or you may ask them to arrange for mediation, a process by which a neutral third party helps the people involved reach a solution acceptable to the both of them.

4. If the informal route for resolving a harassing situation does not succeed or is not appropriate, XYZ supports its employees in filing a formal complaint. It will be investigated by an independent party (either within the organization or outside of it) trained to investigate such matters. The complaint will be investigated thoroughly and promptly.

5. Once the investigation is completed, the investigator will prepare a written report for the _____ (identify appropriate company management personnel). That person will then inform the person who filed the complaint and the harasser of any disciplinary action, remedies, etc., which will be implemented as soon as possible.

Remedies for the victim

A person who has been found to have been harassed may receive one or more of the following remedies, depending on the severity of the harassment and what he or she has lost because of it:

- An oral or written apology from the harasser and XYZ Company;
- Lost wages;
- A job or promotion that was denied;
- Compensation for any lost employment benefits, such as sick leave;
- Compensation for hurt feelings; and/or
- A commitment that he or she will not be transferred, or will have a transfer reversed, unless he or she chooses to move.

No record of the complaint, investigation or decision will go in the employee's personnel file, if the complaint was made in good faith. Any unfavourable work review or comments that were placed in the complainant's personnel file because of the harassment will be removed from the file.

Corrective Action for Harassers

Someone who has harassed another person will be subject to one or more of the following forms of discipline, depending on the severity of the harassment:

- A written reprimand;
- A fine;
- A suspension, with or without pay;
- A transfer, if it is not reasonable for the people involved to continue working together
- A demotion; or
- Dismissal.

In most cases, the harasser will also be required to attend an anti-harassment training session.

If the investigation does not find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged harasser. When the investigation reveals harassment occurred, the incident and the discipline which is imposed on the harasser will be recorded in the harasser's file.

Confidentiality

XYZ Company will not disclose a complainant's or alleged harasser's name, or any circumstances related to a complaint, to anyone, except as necessary to investigate the complaint or take disciplinary action related to the complaint, or as required by law. Managers involved in a complaint are reminded to keep all information confidential, except in the above circumstances.

Retaliation

Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation, or been found guilty of harassment, will themselves be considered to have committed harassment and penalized accordingly. The possible penalties are the same as those assessed against harassers, set out above.

Education

XYZ Company commits to continuing education of all of its employees and management relating to this policy and anti-harassment training generally.

Monitoring

XYZ Company will monitor this policy and make adjustments where necessary. If you have any concerns with this policy, please bring them to the attention of _____ (identify appropriate management personnel).

Manitoba Human Rights Commission

An employee may, within one year of the behaviour complained of, file a complaint with the Manitoba Human Rights Commission if they believe they have been harassed on any of the grounds set out under the section "Harassment is against the Law", above. Information on filing a complaint can be obtained by phoning the Commission at 945-3007 (in Winnipeg) or 1-888-884-8681 (outside of Winnipeg).