

## HARASSMENT POLICY TEMPLATE

**\*NOTE:** This information was developed by Yukon Human Rights Commission and was funded by the Yukon Workers' Compensation Health & Safety Board through their Prevention Education funding. You may copy and adapt the information for your organization's use, however it is not intended to be used for profit.

Name of Organization: \_\_\_\_\_

Date: \_\_\_\_\_

### Section 1: Policy Statement

1. In developing your organization's policy statement consider the policy statements below. Which best suits your organizational needs? You can use one of these or develop your own.

#### Sample 1

\_\_\_\_\_ is an equal opportunity employer and as such abides by the Yukon Human Rights Act which specifically prohibits discrimination on the basis of grounds outlined in the Act.

\_\_\_\_\_ will not tolerate, and employees should not allow behaviour, including discrimination, harassment and sexual harassment, that are likely to undermine work relations or productivity, and to create an unsafe work place.

#### Sample 2

Individuals have a right to be treated with respect in the workplace.

\_\_\_\_\_ [your organization], in exercising its responsibility as the employer, will endeavor at all times to provide a safe and healthy work environment which is supportive of both productivity and the dignity of every person, including employees and customers.

\_\_\_\_\_ will not tolerate, nor should employees allow discrimination, including harassment, that is illegal and likely to interfere with employees' ability to do their work and may harm or compromise their health and safety.

#### Sample 3

\_\_\_\_\_ [your organization] will treat all employees and clients and prospective employees and clients with respect and will maintain a work environment that is free from discrimination, including

harassment.

Treatment based on dignity and respect will apply to all aspects of employment, including, but not limited to: recruitment, selection, placement, training and development, promotion, compensation, benefits, termination and the work environment.

\_\_\_\_\_ will not tolerate, nor should employees allow, discrimination, including harassment.

## Section 2: The Law

*NOTE: Employees should know that certain forms of harassment are against the law. Listed below are the protections against harassment in Yukon Human Rights law.*

Employees have a right to live and work without being harassed, and if harassed, can do something about it. The Yukon *Human Rights Act* protects us from harassment. The Criminal Code protects us from physical and sexual assault.

Under section 14(1) of the Yukon *Human Rights Act*, “no person shall harass any individual or group by reference to a prohibited ground of discrimination”.

HARASSMENT is considered ‘... a course of ‘vexatious” conduct or to make a demand or a sexual solicitation or advance that one knows or ought reasonably to know is unwelcome. (Yukon Human Rights Act, Section 14, (2).

Under section 7 of the Yukon *Human Rights Act*, it is discrimination to treat any individual or group unfavorably on any of the following grounds:

*(NOTE: Federally regulated agencies should use the grounds of discrimination listed in the Canadian Human Rights Act.)*

- a) ancestry, including colour and race;
- b) national origin;
- c) ethnic or linguistic background or origin;
- d) religion or creed, or religious belief, religious association, or religious activity;
- e) age;

- f) sex, including pregnancy, and pregnancy related conditions;
- g) sexual orientation;
- h) physical or mental disability;
- i) criminal charges or criminal record;
- j) political belief, political association, or political activity;
- k) marital or family status;
- l) source of income;
- m) actual or presumed association with other individuals or groups whose identity or membership is determined by any of the grounds listed in paragraphs (a) to (l).

### Section 3: What is Harassment? - Definitions

#### Discrimination

Discrimination is harassing or treating a person or a group of people unfavourably (unequally or unfairly) or not allowing a person access to services, housing or employment or other opportunities based on a personal characteristic such as sex, age, race, or disability as covered by the Yukon *Human Rights Act*.

#### Harassment

HARASSMENT is a particular kind of discrimination and targets an individual or group because of their sex, race, disability, sexual orientation or any of the prohibited grounds of discrimination set out in the *Human Rights Act*. (see previous section).

HARASSMENT refers to behaviour that demeans, humiliates or embarrasses a person and that a reasonable person ought to have known would be unwelcome. Harassment is as a “course of conduct” usually involves more than one incident over a period of time; however a single incident may be considered harassment if it is extremely serious.

#### Examples of harassment

- Includes written or verbal abuse or threats,
- Unwelcome remarks, jokes, slurs, taunting about a person's body, race, national or ethnic origin, sexual orientation or any of the other grounds of discrimination

- Practical jokes that embarrass or insult someone
- Ignoring, isolating or segregating a person or group because of their sex, race, etc.
- Materials that are racist, sexist, anti-gay or anti-lesbian, or insulting because of any of the grounds of discrimination and that are displayed publicly, circulated in the workplace, or put in someone's work space or belongings, or on a computer or fax machine.
- Unwanted physical contact ranging from touching, grabbing, and pinching to assault

## Sexual Harassment

Sexual harassment is unwanted sexual advances, unwanted requests for sexual favours and other unwanted verbal, physical or written conduct. It can also include comments, conduct or display of materials that create a “poisoned” or “unwelcoming” environment where the person(s) feels psychologically or emotionally harmed, offended or intimidated on the basis of his or her sex.

Sexual harassment may include one or more of the following behaviours:

- Unwelcome sexual flirtation, advances, propositions or gestures
  - Verbal harassment such as sexist jokes and innuendos
  - Graphic, verbal comments about an individual's body
- Unwelcome display of sexual pictures or materials
- Intentional, unwanted physical contact
  - Sexual assault (an offense under the *Criminal Code*)
  - Retaliation (negative work consequence) or threat of retaliation for rejection of a sexual solicitation or advance

## Personal Harassment

Like harassment and sexual harassment, personal harassment demeans its victims, is generally abusive, insulting and degrading conduct for which there is no legitimate purpose. It can occur between co-workers; customers or members or contractors and employees; supervisors and employees, etc.

*NOTE: Personal harassment does not fall within the definition of harassment in the Human Rights Act because it is not based on one of the protected grounds such as age, sex, race, and sexual orientation. However, many employers choose to include protection against personal harassment, because it has similar effects on the health and safety of employees and a negative impact on productivity and the bottom line in the workplace.*

*If included in the Harassment Policy, it is essential that people are clear that 'personal harassment' does not meet the criteria for a human rights complaint under human rights law.*

*NOTE: Decide whether or not to include personal harassment in your policy. If you do, the following is sample wording:*

*Disrespectful behaviour, known as “personal” harassment, is also covered in this policy. While it also involves unwelcome behaviour that demeans or embarrasses an employee, the behaviour is not based on one of the protected grounds named above.*  
(from “Anti-Harassment Policies in the Workplace: Employer’s Guide”, CHRC, 1998)

### Abuse of Authority

Abuse of authority occurs when a person, usually a supervisor or manager, uses his/her authority to interfere with an employee or his/her job. It includes humiliation, intimidation, threats, and coercion, and is not part of normal management activities such as performance reviews or discipline.

*NOTE: Abuse of authority unrelated to any of the grounds such as race and sex protected by the Yukon Human Rights Act, is not ‘harassment as recognized in human rights law’; however it may be useful to indicate that abuse of authority for any reason will not be tolerated, because it too can interfere with productivity, work performance, and health and safety.*

Other: \_\_\_\_\_

### Section 4: Situations of Harassing Behaviour

a) Who does the policy cover?

Harassment can occur at all levels of the business/organization, not just between manager and subordinate. This includes customers, clients, contractors, students, volunteers and anyone else who might be present in the workplace. Harassment of employees by customers or clients may also occur.

b) Who is covered in the definition of Sexual Harassment?

Although sexual harassment most commonly occurs when a man harasses a woman, both men and women can be sexually harassed by members of the opposite sex or by members of the same sex.

c) How is the workplace defined?

Harassment can take place in the workplace itself or outside of the regular workplace, but in a situation that is connected to work. *(You may want to provide some examples of work situations.)*

*NOTE: Depending on the size of your business, your policy may define the 'job site'. In some cases employees work off-site or attend job-related functions such as conferences or training or business trips. The policy can include a definition of 'job-site'.*

*For example: Two employees, one female, and one male, are often required to travel to smaller communities for their job, and from time to time, they are required to stay away overnight. When they get to the hotel the male employee makes a joke about their sexual activity, in a way that makes the female employee uncomfortable. Although the harassment does not occur at the traditional job site, it is work-related and should be covered by a comprehensive policy.*

**What examples in your workplace might be relevant?**

**Example 1**

**Example 2**

**Example 3**

## Section 5: Employees' Responsibilities and Rights

- right to a harassment-free workplace
- right to be treated with respect by employees and customers
- right to be listened to and have concerns dealt with promptly
- right to file a harassment complaint at Yukon Human Rights Commission
- right to a complaint process that is as confidential as possible in keeping with the law and the requirements on any investigation
- responsibility to treat other employees, customers, volunteers with respect
- responsibility to speak up when harassment occurs
- responsibility to report harassment to the appropriate person
- responsibility to check for harassment policy and procedures
- Other: \_\_\_\_\_

## Section 5: Employers', Managers' and Supervisors' Responsibilities

- Set a good example by treating all employees, clients, suppliers, contractors with respect
- Refuse to tolerate harassment and put a stop to it if it occurs
- Report or investigate all complaints - correct situations promptly
- Discipline appropriately anyone found guilty of harassment
- Post the harassment-free workplace policy and educate staff.
- Provide a clear procedure for reporting harassment, including the name and position of the person to whom complaints will be made and timelines for the steps in the procedure
- Maintain confidentiality of employee records and investigation of complaints
- Monitor the workplace for signs of harassment and create a work environment where it is safe to come forward and discuss harassment

- Provide regular training to managers, supervisors and employees on human rights and health and safety in the workplace
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## Section 6: Complaint Procedure

### Ways of Handling Complaints

#### *Direct Action by the Person Experiencing Harassment*

As an employee, you may be able to stop the harasser by speaking up or writing to the harasser, indicating that the behaviour is unwelcome and offensive and needs to stop. You should keep a copy of the letter or record the date when you took action. Tell someone you trust what is going on. Also record all unwelcome or harassing behaviours and include what happened, when, where, how often, who else was present, and how you felt about it.

If the harassing behaviour occurs again, or if you are unable to deal with the person who is harassing you, report it to the person designated to receive complaints. See the section on “Formal Complaints”.

#### *Informal complaint*

You may want to ask the designated person to help you to communicate with the other person, or to speak to them on your behalf, without going through mediation or a formal complaint.

An individual who believes that he/she has been harassed should ask for help from \_\_\_\_\_ [name and/or position].

This person has received training in harassment and can give advice on how to proceed.

- i) They may be able to help you write a letter or start a conversation with the alleged harasser;
- ii) They may be able to approach the person accused of harassment to communicate your concerns about the harassing behaviour.

In an informal complaint no investigation, report or official decision is provided. We encourage you to choose an informal approach first.

The complaint will be considered within \_\_\_\_ days.

Follow up will occur within \_\_\_\_ days.

*NOTE: During this stage, the person handling the informal complaint should retain the notes from their discussions with both parties in case the informal complaint procedure is not effective. These should be kept in a separate confidential file.*

### *Mediation*

Mediation is a voluntary process in which the parties (the person making the complaint and the person accused of harassment) meet with a neutral third party (mediator) who is trained to help them find a solution that they can agree upon.

In order for mediation to occur, it must meet the following conditions:

- \_\_\_ Both parties agree to the mediation;
- \_\_\_ It is conducted by a trained mediator
- \_\_\_ The mediator is acceptable to both parties
- \_\_\_ Both parties have been informed of their right to bring someone with them to the mediation
- \_\_\_ The mediator should NOT be involved in *investigating the complaint, and should not be asked to represent the company at any stage of any proceedings related to the complaint.*

In the event that mediation is chosen, here are the available mediators:

Mediator's Name and Contact Information
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Mediation is not appropriate:

- If one party feels at an extreme disadvantage
- When corrective action such as dismissal is likely to occur
- When no trained mediator is available

### Formal Complaints

If the informal or mediation route does not resolve the harassing situation or is not appropriate for the situation, “X” company or organization supports employees, volunteers or members to file a formal complaint.

*NOTE: You will need to decide who will investigate the complaint - someone from within the organization or a consultant. Either person should have training in harassment investigation.*

### Filing a Complaint

*NOTE: Decide what is most appropriate for your organization.*

A formal complaint can be made:

- In person
- In writing
- On the form provided
- Other: \_\_\_\_\_

### Investigating the Complaint

The investigator will interview the complainant, the alleged harasser, and any witnesses. All employees have a responsibility to cooperate in the investigation and to maintain the confidentiality of the information regarding the investigation.

The complaint will be investigated by \_\_\_\_\_ [name or title] within \_\_\_\_ days of receiving the complaint.

An investigation will involve:

- Gathering all relevant information from the complainant
- Informing the alleged harasser of the details of the complaint, and getting his/her response
- Interviewing any witnesses
- Deciding whether the harassment took place
- Recommending appropriate remedies, penalties or other action

### Reporting the Findings

*NOTE: The investigator will report whether there is evidence that harassment occurred. The investigator will recommend resolutions to the situation. Both the person making the complaint and the alleged harasser, have the right to review and comment on the findings.*

The findings of the investigation will be reported:

- In person
- In writing
- Both

Within \_\_\_\_\_ days of the completion of the investigation.

Findings will be provided to:

- The person who made the complain
- The person who the complaint is against
- The manager
- The police (where there is evidence of physical or sexual assault)
- Any other parties to the complaint, as agreed to by the employer and the complainant
- Other: \_\_\_\_\_

### Decision Making

Final decisions regarding a complaint will be made by:

\_\_\_\_\_ [person's name or title] within \_\_\_\_\_ days. If higher authority is required to make a decision (Board, Executive Director, Business owner), forward all relevant material as soon as possible and advise all parties of the action taken.

### The Appeal Process

Employees who are unhappy with the results of a formal complaint can put forward their reasons and have them reviewed.

Appeals may be made to \_\_\_\_\_ [person's name or title] within \_\_\_\_\_ days of the finding.

*NOTE: You may choose to have appeals made to the senior person in your organization or to your Board of Directors or the highest level in your organization.*

A formal complaint can be made to:

- Your union
- Yukon Human Rights Commission within 6 months of the last incident (not for personal harassment)
- Canadian Human Rights Commission (not for personal harassment)
- The appropriate Police Service (in cases of physical or sexual assault)

Other: \_\_\_\_\_

## Section 7: Corrective Action, Safeguards and Remedies

### Corrective Action

If the investigation reveals evidence to support the complaint of harassment, appropriate action will be taken. Any corrective action will be determined and carried out by: \_\_\_\_\_ [person's name or title] within \_\_\_\_ days of the finding of responsibility for harassment, unless an appeal is filed.

*NOTE: Corrective action is meant to be corrective, not punitive. It should be progressive, be consistent with the severity of the harassment.*

Corrective action may include, but not be limited to:

- Oral or written reprimand
- Suspension, with or without pay
- Requirement to provide a written apology
- Requirement to take anti-harassment training, and any other training deemed necessary to correct the situation
- Transfer of the harasser unless complainant requests transfer
- Demotion
- Loss of employment
- Other: \_\_\_\_\_

### Safeguards

The employer will not tolerate retaliation against employees who complain of harassment, or who provide information in an investigation.

#### Confidentiality

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

### Remedies

Remedies will be provided to the victim by \_\_\_\_\_ [person's name or title]:

Such remedies might include, but not be limited to:

- Repayment of loss of wages including salary, and benefits
- Re-crediting of holidays, sick leave and any other leave entitlement

A formal apology  
A job or promotion that was denied  
Counselling services if desired

Other: \_\_\_\_\_

No record of the complaint, investigation or decision would go into the employee's personnel file that made the complaint, if the complaint was made in good faith.

If the investigation fails to find evidence to support the complaint, there will be no documentation concerning the complaint kept or placed in the file of the alleged harasser. If harassment was found to occur, the incident and the discipline imposed on the harasser will be recorded in the harasser's file.

If the investigation finds that the complainant did not act in good faith and fabricated the complaint, this will result in disciplinary action against the complainant.

## Section 8: Action Planning Guide

### Communication and Circulation of the Policy

\_\_\_\_\_ 's[our organization] Harassment Policy will be communicated in the following ways:

Provide a copy (either hard copy or digital copy) to all employees  
Post the policy in the workplace  
During new employee orientation sessions  
Staff meetings  
Memos and emails  
Pay slip notices  
Films  
Posters  
Brochures  
Other: \_\_\_\_\_

### Education for all Staff

Orientation for new staff  
Participation of staff in creating or reviewing the policy  
Annual anti-harassment training

- o On-line tutorial
- o Lunch and Learn

o Staff meetings

o Other: \_\_\_\_\_

Management and Supervisory Training

o How to deal with reports of harassment

o Handling and investigating harassment appropriately

o Maintaining a harassment-free work environment

o Other: \_\_\_\_\_

Training for counsellors and investigators

Training for Board members, stockholders and advisory committee members

Other: \_\_\_\_\_

## Section 9: Monitoring the Policy

At \_\_\_\_\_ [your organization], we are committed to reviewing the Harassment Policy:

Annually

Bi-annually

Prior to our report to the Board

Other: \_\_\_\_\_

The review process can be carried out through comments and feedback from a variety of sources, including, but not limited to:

Employees

Counsellors, managers and supervisors

Exit interviews

Review of harassment complaints

Human resource consultants

Other: \_\_\_\_\_

Materials have been adapted from: *Anti-Harassment Policies for the Workplace: Employer's Guide* by Canadian Human Rights Commission (1998) and *Best Practices: Employment Policies That Work*, Volume 2 by Joan A. Bolland & Ellen E. Mole, Thomson Carswell (2004).

## HARASSMENT AND DISCRIMINATION POLICY IMPLEMENTATION PLAN CONTRACT

As the representative of \_\_\_\_\_ (your organization),

The above draft Harassment Policy will be presented to management for  
input on or before:

\_\_\_\_\_.

Input and/or feedback will be gathered from employees on or before:

\_\_\_\_\_.

A draft policy will be implemented within \_\_\_\_\_ months.

The Policy will be reviewed and updated \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Handout 12

### **Impact Evaluation**

The following questions will gather contact data from your organization, to assess the impact of your participation in the workshop, Building and Maintaining Safe and Healthy Workplaces.

#### **1. Your Organization?**

#### **2. The Person/Title responsible for overseeing Workplace Health and Safety, including Harassment & Discrimination.**

#### **3. What's the best way to contact the person listed above?**

#### **4. When did you attend the attend the Workshop Building and Maintaining Safe and Healthy Workplaces?**

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**How many employees from your organization participated in the workshop?**

**HOW HAS YOUR PRACTICE CHANGED?**

How would you rank your organization on the level of responsibility demonstrated in the past year?

4 = high; 3 = moderately high; 2 = low; 1 = not at all

	4	3	2	1
Created and implemented a Workplace Harassment Policy				
Provides each employee with a copy of the policy				
Conducts ongoing education on harassment at all levels of the organization				
Ensures that EVERY employee understands the policies and procedures regarding harassment				
Clearly states that harassment will not be tolerated.				
Has an established policy review process.				
Investigates and corrects harassment problems as soon as they come to light				
The overall ranking for my organization with respect to dealing with harassment and discrimination				

### Increasing your Workplace's Capacity

The following questions will help you think about what barriers might still stop you from creating a harassment-free.

#### 5. What barrier(s) may still be keeping your organization from creating a harassment-free workplace?

Lack of financial resources	<input type="text"/>
Lack of education	<input type="text"/>
Lack of commitment from management	<input type="text"/>
Lack of support from staff	<input type="text"/>
Other	<input type="text"/>

#### 6. How has your workplace benefited from Participating in the traini from Implementing an Harassment Policy and training?

#### 7. What additional supports or resources could be provided to assist your organization?

**For further information or assistance in developing or implementing your harassment-free policy contact:**

**Yukon Human Rights Commission  
#101-9010 Quartz Road,  
Whitehorse, Yukon, Y1A 2Z5  
Phone (867) 667-6226 or 1-800-661-0535  
E-mail: [humanrights@yhrc.yk.ca](mailto:humanrights@yhrc.yk.ca)**

## Web Links

Yukon Human Rights Commission <http://www.yhrc.yk.ca/>

Yukon Human Rights Act <http://www.gov.yk.ca/legislation/acts/huri.pdf>

Yukon Human Rights Links <http://www.yhrc.yk.ca/9-links.htm>

Yukon Workers' Compensation Health and Safety Board <http://wcb.yk.ca/>

Government of Yukon <http://www.gov.yk.ca/>

B.C. Human Rights Coalition <http://www.bchrcoalition.org/>

Ontario Human Rights Commission <http://www.ohrc.on.ca/>

Canadian Human Rights Commission <http://www.yhrc.yk.ca/9-links.htm>

Canadian Centre on Occupational Health and Safety <http://www.ccohs.ca/>

Violence in the Workplace

<http://www.ccohs.ca/oshanswers/psychosocial/violence.html>

Violence in the Workplace Information Guide

<http://www.ccohs.ca/products/publications/violence.html>

## Bibliography

Yukon Human Rights Act <http://www.gov.yk.ca/legislation/acts/huri.pdf>

Bolland, J. A. & Mole, E. E. (2005). *Best Practices: Employment Policies That Work, Volume 2*. Thomson Carswell Canada Limited: Toronto.