



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

Developing a Workplace Anti-harassment Policy

All employers are responsible for providing a workplace free from harassment. Employers are obligated to take appropriate action against any employee who harasses someone. Otherwise, an employer can be held responsible for harassment committed by their employees. Having an anti-harassment policy and providing anti-harassment training to supervisors and staff can help avoid this.

Adopting an anti-harassment policy can foster an environment of respect for human rights and helps people in the organization understand their rights and responsibilities. Policies can protect an organization from discrimination complaints. It is also the right thing to do!

This Anti-harassment Policy Template was developed by the Canadian Human Rights Commission to help employers meet their human rights obligations. This easy-to-use tool is for employers that may not have the time or resources to develop their own anti-harassment policy.

For more information about creating and maintaining a harassment-free workplace, please visit the Commission's website at www.chrc-ccdp.gc.ca

Special Considerations for First Nations Employers

The Commission recognizes that First Nations employers may have unique considerations. It is a good idea to review the ***Human Rights Handbook for First Nations*** before completing this policy.

Directions for using the Anti-harassment Policy Template

Placeholders can be found throughout the policy template to help you identify where information specific to your organization should be inserted.

Step 1- Determine who in your organization will be responsible for making decisions related to this policy. All of the people designated to make decisions related to this policy should have training about harassment and its related concepts. There are two roles identified in the policy:

- a. **[Name and/or Position A]** This role should be given to a senior manager who is familiar with the workings of the organization.
- b. **[Name and/or Position B]** This role should be given a dedicated human resources person or a manager familiar with the workings of the organization.

Step 2 - Replace all **[Name of Organization]** placeholders with the name of your organization.

Step 3 - Replace the **[Name and/or Position]** placeholders with the name and/or position title of the person who has been given responsibility for each role throughout the policy template.

Step 4 - It is also important to have a set of procedures for harassment complaints so that supervisors and employees are aware of the steps that will be taken if an employee makes a harassment complaint. A suggested process for handling harassment complaints has been included in this template. If appropriate, keep this process. You may also replace this section with a set of procedures that would be more suitable for your organization.

Step 5 - Read the document and add the relevant information into the remaining placeholders so that they fit your organization. Delete any placeholders that are not relevant for your organization.

Step 6 - Educate supervisors and employees about harassment concepts, and their roles and responsibilities according to your organization's anti-harassment policy.

[Name of Organization] Anti-harassment Policy and Procedures

Policy Statement

[Name of Organization] is committed to fostering a harassment-free workplace where all employees are treated with respect and dignity.

The *Canadian Human Rights Act* protects employees from harassment based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

Harassment at **[Name of Organization]** is not tolerated. Employees who are found to have harassed another individual may be subject to disciplinary action. This includes any employee who: interferes with the resolution of a harassment complaint; retaliates against an individual for filing a harassment complaint; or files an unfounded harassment complaint intended to cause harm.

Application

This policy applies to all current employees of **[Name of Organization]**, including full and part-time, casual, contract, permanent and temporary employees. This policy also applies to job applicants.

This policy applies to all behaviour that is in some way connected to work, including during off-site meetings, training and on business trips.

Definitions

Harassment is:

- offending or humiliating someone physically or verbally;
- threatening or intimidating someone; or
- making unwelcome jokes or comments about someone's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

Sexual harassment is:

- offensive or humiliating behaviour that is related to a person's sex;
- behaviour of a sexual nature that creates an intimidating, unwelcome, hostile or offensive work environment; or
- behaviour of a sexual nature that could reasonably be thought to put sexual conditions on a person's job or employment opportunities.

Responsibilities and Expectations

[Name of Organization] is responsible for:

- providing all employees a harassment-free workplace.

[Name and/or Position A] is responsible for:

- ensuring that this policy is applied in a timely, consistent and confidential manner;
- determining whether or not allegations of harassment are substantiated; and
- determining what corrective action is appropriate where a harassment complaint has been substantiated.

[Name and/or Position B] is responsible for:

- the administration of this policy;
- reviewing this policy annually, or as required; and
- making necessary adjustments to ensure that this policy meets the needs of the organization.

Supervisors are responsible for:

- fostering a harassment-free work environment and setting an example about appropriate workplace behaviour;
- communicating the process for investigating and resolving harassment complaints made by employees;
- dealing with harassment situations immediately upon becoming aware of them, whether or not a harassment complaint has been made;
- taking appropriate action during a harassment investigation, including separating the parties to the harassment complaint, when appropriate; and
- ensuring harassment situations are dealt with in a sensitive and confidential manner.

Employees are responsible for:

- treating others with respect in the workplace;
- reporting harassment to **[Name and/or Position B]**;
- cooperating with a harassment investigation and respecting the confidentiality related to the investigation process;

Employees can expect:

- to be treated with respect in the workplace;
- that reported harassment will be dealt with in a timely, confidential and effective manner;
- to have their rights to a fair process and to confidentiality respected during a harassment investigation; and
- to be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

Procedures for Addressing a Harassment Complaint

Filing a Complaint

An employee may file a harassment complaint by contacting **[Name and/or Position B]**. The complaint may be verbal or in writing. If the complaint is made verbally, **[Name and/or Position B]** will record the details provided by the employee.

The employee should be prepared to provide details such as what happened; when it happened; where it happened; how often and who else was present (if applicable).

Complaints should be made as soon as possible but no later than within one year of the last incident of perceived harassment, unless there are circumstances that prevented the employee from doing so.

[Name and/or Position B] will tell the person that the harassment complaint has been made against, in writing, that a harassment complaint has been filed. The letter will also provide details of the allegations that have been made against him or her.

Every effort will be made to resolve harassment complaints within **[number]** days. **[Name and/or Position A]** will advise both parties of the reasons why, if this is not possible.

If either party to a harassment complaint believes that the complaint is not being handled in accordance with this policy, he or she should contact **[Name and/or Position A]**.

Mediation

Wherever appropriate and possible, the parties to the harassment complaint will be offered mediation prior to proceeding with a harassment investigation.

Mediation is voluntary and confidential. It is intended to assist the parties to arrive at a mutually acceptable resolution to the harassment complaint.

The mediator will be a neutral person, agreed upon by both parties. The mediator will not be involved in investigating the complaint.

Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.

Investigation

If mediation is inappropriate or does not resolve the issue, a harassment investigation will be conducted. All investigations will be handled by an individual who has the necessary training and experience. In some cases, an external consultant may be engaged for this purpose.

The investigator will interview the person who made the complaint, the person the complaint was made against and any witnesses that have been identified. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.

The investigator will prepare a report that will include:

- a description of the allegations;
- the response of the person the complaint was made against;
- a summary of information learned from witnesses (if applicable); and
- a decision about whether, on a balance of probabilities, harassment did occur.

This report will be submitted to **[Name and/or Position A]**. Both parties to the complaint will be given a copy.

Substantiated Complaint

If a harassment complaint is substantiated, **[Name and/or Position A]** will decide what action is appropriate.

Remedies for the employee who was harassed may include: an oral or written apology; compensation for lost wages; compensation for any lost employment benefits such as sick leave; and compensation for hurt feelings.

Corrective action for the employee found to have engaged in harassment may include: a reprimand; a suspension; a transfer; a demotion; and/or dismissal.

Both parties to the complaint will be advised, in writing, of the decision.

Other Redress

An employee who is not satisfied with the outcome of the harassment complaint process may file a discrimination complaint with the Canadian Human Rights Commission **[if applicable: and title of other grievance mechanism]**.

Privacy and Confidentiality

All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know.

[Name of Organization] and all individuals involved in the harassment complaint process, will comply with all requirements of the **[if applicable: title of privacy legislation]** to protect personal information.

Review

[Name of Organization] will review this policy and procedures on an annual basis, or as required, and will make necessary adjustments to ensure that it meets the needs of all employees.

Enquiries

Enquiries about this policy and related procedures can be made to **[Name and/or Position B]**.

Date: [Month/Day/Year]