## WORKPLACE HARASSMENT

[Organization Name] values an environment that is respectful and free of harassment.

Harassment occurs when an employee engages in offensive behaviour toward another employee or group of employees with the knowledge or should have known that the activity would cause offence or harm.

All staff must conduct themselves in such a way that they respect the rights and dignity of everyone they come into contact with while carrying out their tasks. Harassment in the workplace will not be tolerated. Claims of harassment must be immediately reported to management/human resources/designate.

SCOPE

This Policy applies to all [Organization Name] employees, contractors, clients, vendors and visitors at the workplace.

DEFINITIONS

“Bullying”: A form of harassment. Typically, it is a repeated, targeted pattern of behaviour that is intended to, or ought to reasonably be known to cause fear, intimidation, humiliation, distress or other forms of harm. The impact may be physical or mental, damaging a person’s body, feelings, self-esteem, reputation or property. Bullying may be obvious or subtle, direct or indirect, and can occur in person, in writing, or through the use of technology such as social media, text or email.

“Discrimination” occurs when a person makes a distinction, whether intentional or not, based on a protected characteristic, actual or perceived, as set out in Section 5 of the Nova Scotia Human Rights Act, that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society.

“Harassment” means derogatory (e.g., condescending, insulting, belittling) or vexatious (e.g., aggressive, angry, antagonistic) conduct or comments that are known or ought reasonably to be known to be offensive or unwelcome. Includes actions or comments that create an intimidating, demeaning or offensive work environment. Harassment may occur as a serious one-time single incident but usually it is a course of conduct or pattern of behaviour.

“Sexual harassment” is behaviour of a sexual or romantic nature which is known or ought reasonably to be known as offensive or unwelcome and makes the receiver feel uncomfortable. Sexual harassment can also be harassment based on sex, gender expression, sexuality, etc. that is not “sexual or romantic” in nature.

* It may be a single incident or a series of incidents. Sexual harassment can be coercive or subtle in nature.
* It may be a solicitation or advance, particularly if made by a person in a position to confer a benefit on, or deny a benefit to, the recipient, and the person making the advance knows or ought reasonably to know that it is unwelcome.
* A reprisal or threat of reprisal against an individual for rejecting a sexual or romantic solicitation is sexual harassment. It can also be comments, gestures, or physical conduct of a sexual nature, or actions or comments with a sexual connotation or component that are directed at no specific person but create an intimidating, demeaning or offensive work environment. Lack of intent is not a defense to an allegation of sexual harassment.Harassment - Conduct that one employee engages in which is deemed offensive behaviour toward another employee or group of employees, knowing or reasonably knowing that the behaviour would cause offence or harm.

“Offensive Behaviour” includes, but is not limited to, inappropriate comments, conduct, actions or inactions that create an uncomfortable, hostile, or intimidating work environment. The behaviour may occur as a single incident or as a pattern. It can be overt or covert.

POLICY

This policy applies to harassment that is based on the prohibited grounds under the *Nova Scotia Human Rights Act*. This includes age, ethnicity, colour, religion, faith, sex, sexual orientation, gender identity, gender expression, handicap, ethnic, national, or aboriginal origin, family status, marital status, source of income, and political belief, association, or participation. Additionally, this Policy addresses workplace harassment which does not fall under the prohibited grounds.

[Organization Name] encourages any of its employees who witness or who are victim to harassment, bullying, or discrimination to bring forward the information as soon as possible so that an investigation may immediately commence.

In pursuit of a harassment-free environment, [Organization Name] is committed to fully preventing and/or addressing any instances of harassment, including sexual harassment, by:

* Providing education and training to ensure that all employees understand their rights and responsibilities regarding harassment;
* Ensuring that supervisors understand how to respond to incidents of harassment, including how to collect information, how to act, how to deal with confidentiality, how to document, and how to keep records;
* Methodically monitoring or adjusting [Organization Name]’ systems for any barriers, including any barriers regarding any protected grounds laid out in *the* Nova Scotia *Human Rights Act* and [Organization Name]’s Human Rights Policy;
* Reviewing their Anti-Harassment program with the Joint Occupational Health and Safety Committee or Rep
* Providing a procedure for complaints (outlined below) that is fair, timely, and effective; and
* Ensuring to promote appropriate standards of conduct.

This policy also prohibits any person at [Organization Name] who is able to grant or deny a benefit to another employee from sexually soliciting or making advances on that person. This could include co-worker to co-worker, or supervisors and managers to employees. Further, any reprisals for the rejection of these advances are not permitted.

[Organization Name] will also not permit the creation of a poisoned work environment, as created by comments or any forms of conduct that are known to be unwelcome. [Organization Name] will investigate all complaints to prevent this poisoned environment.

In addition, any employees who experience harassment while in the course of work for [Organization Name] have the right to file a complaint without any fear of reprisal. [Organization Name] will ensure that an investigation is conducted into any incidents or complaints of workplace harassment, as appropriate.

Types of Harassment

* **Exclusion** occurs when a person or group of individuals are intentionally shunned or ostracized. It can include but is not limited to:
	+ isolating others by ceasing communication with them,
	+ denying or dismissing their presence,
	+ separating them from others, or
	+ purposely excluding them from decisions, conversations, and work-related events without justification.
* **Physical harassment** is defined as any unwelcome physical behaviour, such as threatening or offensive gestures, physical intimidation, coercion, assault, practical jokes, or "horseplay," that is reasonably likely to cause discomfort or humiliation.
* A **poisoned workplace environment** is when inappropriate behaviour is so prevalent that it creates a hostile or offensive work environment. The practice produces an unsettling environment that affects the well-being and productivity of everyone and not just one particular person. Participants in or non-objectors to demeaning behaviour can create a toxic workplace. Inappropriate behaviours that frequently lead to a hostile or offensive workplace include:
	+ Inappropriate graffiti or posting.
	+ Disrespectful remarks about one's sexual orientation, religion, or race.
	+ Abuse of coworkers, such as name-calling, insults, or exclusion.
	+ Yelling, slamming doors, kicking desks, or throwing things.
	+ Use of profanities or abusive language, even if not aimed at a specific individual.
	+ Negative electronic postings or cyber-bullying others' reputations.
* **Racial harassment** is defined as objectionable behaviour motivated by race, colour, citizenship, place of origin, ancestry, ethnic background, or creed. It includes, but is not limited to, the following:
	+ Negative communications, images, or stereotypical behaviour ((e.g. ethnic jokes, racial slurs, adverse differential treatment, insulting depictions)
	+ Making disparaging remarks about or being intolerant of ethnic differences in appearance or habits.
* **Sexual Harassment** as defined earlier. Additionally, putting sexual conditions on employment, training, or progress, as well as acquiring services or contracts constitutes discrimination. The following are examples of inappropriate behaviours that may constitute sexual harassment:
	+ Unwelcome physical contact, including hugging or caressing.
	+ Inquiries or observations regarding a person's sexual life.
	+ Telephone calls, e-mails, notes, messages on social media, or other forms of contact with sexual overtones.
	+ Insults or jokes about a person's gender or sexual orientation that cause discomfort or humiliation.
	+ Unwelcome or persistent social or sexual solicitations that a reasonable person would recognize as such.
	+ Unwelcome or inappropriate attention, leering or comments made regarding a person's physical characteristics or looks.
	+ Retaliation or threat of physical violence directed at an employee for refusing a sexual advance.
* **Verbal harassment** is an offensive pattern of demeaning comments directed at or used against an employee that is reasonably likely to affect that employee's professional reputation. It includes insults, slurs, obscene or insulting statements, innuendoes, profanities, and unflattering stereotypes.

*Actions Not Considered Harassment*

While each complaint is evaluated on its own merits, the following examples of routine workplace behaviour and interactions are not typically deemed harassment:

* Disagreements
* Non-persistent or severe remarks or actions
* Conflict amongst coworkers, unless it is severe and prolonged
* Relocations, changes in coworkers, or changes in assignments
* Inadequate management or supervision
* A single remark or action, unless it is sufficiently severe and has a pernicious effect
* Imprudence, unless it is severe and pervasive
* Stressful work environments as a result of increased workload, technological advancements, or potential layoffs
* Management of performance.
* Appropriate management authority.
* Sufficient discipline

ROLES

Employee and Supervisor Responsibilities

* Support a safe, supportive, inclusive, and respectful environment for all employees, contractors, clients, and visitors while in the workplace.
* Determine appropriate actions in response to a finding of policy violation within the workplace, as needed.

Human Resources

* Help business divisions resolve conflicts.
* Establish a Workplace Harassment Prevention Plan, including intake analysis, alternative dispute resolution, and investigation procedures.
* Clarify and advise those involved in the harassment prevention process.
* Treat all participants in the resolution process equally.
* Respect the privacy of any discussions, interviews, or other proceedings to settle the complaint.

Manager and/or Supervisor

* Assure an environment that is respectful and devoid of harassment.
* Communicate company principles to employees and serve as a role model for acceptable behaviour.
* Facilitate, as required, any mandatory training on Workplace Harassment and encourage optional training.
* Proactively handle workplace issues that, if left untreated, could escalate to harassment.
* Be sensitive to the workplace culture and respond quickly to verify facts and intervene if they witness or hear illegal behaviour.
* Ascertain that employees have access to the harassment prevention policy.
* Discuss any harassment allegations with the complainant swiftly, objectively, and in confidence.
* Complete and submit the Complaint Information Form to Human Resources.
* Distribute a Complaint Response Form to complainants along with a copy of the Harassment Prevention Policy.
* Facilitate dialogue or other collaborative problem-solving tactics to expedite the resolution of basic harassment allegations.
* Consult Human Resources for assistance with more complicated conflict resolution scenarios.
* Adopt reasonable safeguards to ensure the complainant's safety, particularly if the reported incidents involve intimidation, threats of physical harm, or actual physical harm. It may be necessary to separate the parties.
* Notify management of any allegations of harassment.
* After a mediation session, monitor the workplace to confirm that the harassment has ceased.

Employees

* Be aware of this policy and any associated guidelines, including directing questions to a manager, as needed.
* Complete any/all Workplace Harassment Training as directed by [INSERT Organization Name].
* Treat others respectfully and consider the impact of actions, inactions, words and behaviour, regardless of intent.
* Address concerns or potential violations under this policy promptly and in a manner appropriate with the circumstances.
* Access available resources, such as your supervisor, manager, HR, or [INSERT OTHER AVAILABLE RESOURCES].
* Participate in good faith with processes intended to address concerns under this Policy. Bad faith complaints occur when an Employee intentionally misleads the Employer by knowingly withholding relevant information or providing false information in support of a complaint, and includes situations where the Employee proceeds with, or continues with an allegation when the Employee has no honest or sincere belief that a violation of this Policy has occurred.
* Work safely and professionally.
* Respect others at work.
* Notify your supervisor, manager, HR or [INSERT OTHER AVAILABLE RESOURCES] if you suspect an employee has been subjected to workplace harassment or retribution for filing a complaint.

COMPLAINT PROCEDURE

At [Organization Name], complaints regarding harassment, bullying, or discrimination may be brought forward to:

* (Insert Title) or (Insert Title) if one of them is not available.
* An alternate report may be made to (Insert Title) if either of the above are the alleged harasser(s).
* Immediately upon receipt of a complaint, an investigation will be started, and additional information and context will be sought. The investigation may include:

o   A review of the details of the incident;

o   Separate interview(s) with the parties involved and any witnesses;

o   Examination of any relevant documents, emails, notes, photographs, or video;

o   A decision about whether the complaint constitutes workplace harassment; and

o   The preparation of a report which summarizes the incident, the steps of the investigation, the evidence collected, and any findings

* [Organization Name] will take appropriate measures to ensure that employees and/or witnesses involved in filing the complaint are protected, as necessary. This may include temporary reassignments or shift changes. [Organization Name] will ensure that these changes do not penalize any employee who brought forward a complaint, or any witness to the complaint.
* [Organization Name] will not disclose any information regarding a complaint of harassment (including any identifying personal information of any of the individuals involved), unless the disclosure is necessary. The disclosure may become necessary for the purposes of investigating the complaint, taking disciplinary action, or as required by law.
* The employee who disclosed the complaint, as well as the alleged harasser (provided they are both employees of [Organization Name]), will be kept up to date on the investigation and will be notified of the results of the investigation and any subsequent actions to be taken.

Any reports resulting from an investigation into complaints of harassment, discrimination, or bullying are not considered to be Joint Occupational Health and Safety reports and will not be shared with the safety committee.

Note: This policy will be reviewed as often as necessary, but at least annually.