

## Model Policy on Workplace Sexual Harassment

This Model Policy is based on templates from the Ontario Human Rights Commission and WorkSafeBC, but HR managers in any part of the country may adapt this Model Policy for use at their own workplace. It is suitable in response to the Ontario Occupational Health & Safety Act amendments as per Bill 132.

Use the InFuse Document Centre to distribute your customized Policy to all employees and ensure they have acknowledged receipt and understanding.

### Company Commitment

ABC Company is fully committed to ensuring our work environment is a positive, respectful and safe, and honours the wellbeing and human rights of our employees. We will not tolerate sexual harassment in any form and we are committed to taking all complaints seriously and responding as quickly as possible.

### Definition of Sexual Harassments

For the purposes of ABC Company Sexual Harassment Policy, sexual harassment in the workplace refers to engaging in a course of offensive, humiliating or intimidating comment or behaviour based on sex or gender by one employee against another, that the person engaging in the behaviour knows or ought reasonably to know is unwelcome. Sexual harassment negatively affects the work environment and can lead to negative work-related consequences for the victim. Sexual harassment may consist of a single incident of unwelcomed behaviour or multiple incidents over time. Sexual harassment is a form of discrimination and is prohibited under both federal and provincial human rights codes.

### What Constitutes Sexual Harassment?

Sexual harassment includes, but is not limited to:

#### Physical Harassment:

- Leering or inappropriate staring
- Invasion of personal space
- Unnecessary physical contact (touching, grabbing, hugging, kissing, etc.)

#### Verbal Harassment:

- Making offensive comments or behaviour towards a person based on their gender identity, gender expression or sexual orientation
- Making sex-related comments about a person's physical appearance or actions
- Making comments or behaviour because of a belief that someone does not conform to gender-role stereotypes
- Making offensive comments about members of a specific gender or sexual orientation
- Using vulgar, sexual or gender-related humour or derogatory language (such as slurs, jokes or innuendo)
- Asking unwelcome questions or engaging in unwelcome conversation about sexual activities
- Spreading sexual rumours (including online)

**Environmental Harassment:**

- Displaying or distributing pornographic or other sexual images, objects, jokes or sayings (including online)
- Making vulgar gestures

**Threats and Demands**

- Asking for sexual favours in exchange for workplace benefits
- Repeatedly asking someone for dates or sexual favours even after they have said no
- Threatening someone (e.g. with violence, termination or denial of other workplace benefits) if they refuse to comply with sexual advances
- Making an employee dress or behave in a sexualized or gender-specific way
- Threats of retaliation or reprisal if the victim makes a complaint under this Policy

**Where Can Sexual Harassment Take Place?**

For the purposes of this Policy, the workplace or work environment refers to all workplace-related activities, including:

- Activities on workplace premises
- Work assignments outside of workplace premises
- Work-related conferences, training sessions, or seminars
- Work-related travel
- Work-related social functions that the workplace sponsors or organizes

This includes the job applications and interview process, volunteer work and internships with ABC Company, and activities or events that take place outside regular business hours or locations but are linked to and may impact the workplace environment.

This Policy applies to all permanent and temporary employees at all levels, to those with whom ABC Company conducts business, and at all sites where ABC Company business activities take place.

**Who Can Be a Victim of Sexual Harassment?**

Both women and men may engage in and experience sexual harassment in the workplace, but women are generally more vulnerable to it because they often hold jobs with lower pay, authority and status than men. That being said, even women in positions of authority can experience sexual harassment. Treating and portraying an employee, especially a woman, in a sexual way can undermine their status and image in the eyes of their coworkers.

**What Does NOT Constitute Sexual Harassment?**

The definition of sexual harassment and the ABC Company Sexual Harassment Policy are not intended to inhibit interactions based on mutual consent between employees, such as consensual conversation about sex in the workplace, or suggestive imagery, like a poster, that does not offend anyone. However, if you are offended by comments or imagery in the workplace even when no one else is, this does not mean that your concern is invalid. You should express your objections to those involved and file a complaint if the issue is not resolved.

“Reasonable action” taken by ABC Company or a supervisor relating to the management and direction of workers or the workplace is not workplace harassment unless aspects of sexual harassment are present.

## **Duty of Supervisors**

Supervisors will:

- Adhere to this Policy
- Ensure that all employees, including those in positions of responsibility, are made aware of sexual harassment policies as soon as they are introduced, as well as through training, orientations material and education on human rights issues;
- And continually monitor the work environment to make sure it is free from sexually harassing behaviour.

## **Duty of Management**

Management is committed to:

- Adhering to this Policy;
- Providing satisfactory resources to deal with sexual harassment complaints;
- Taking complaints seriously and responding quickly;
- And fostering a healthy environment where employees feel comfortable about raising complaints and are kept informed about and involved with actions taken in response.

## **Reporting Sexual Harassment**

ABC Company wants to ensure all its employees feel safe, comfortable and encouraged to report any incident of sexual harassment they have observed or experienced. Please file a complaint about any incident to your manager [contact name and info] or HR advisor [contact name and info]. If it is not appropriate to file a complaint with these individuals because they are involved in the incident, the employee should report the incident to any other manager of their choice.

Complaints need not be in writing but should include as much detail as possible, including the name(s) of the individual(s) involved and a description of the incident(s), including actions and/or comments made, places(s), date(s), and time(s).

The possibility of informal resolution may be explored and reached with the consent of all parties. If no informal resolution is sufficient, a formal and thorough investigation of the incident and surrounding circumstances will be undertaken, involving interviews with the complainant, the respondent, and any other individuals who may be able to provide information on the situation.

If the process with the workplace does not address or resolve the issue to your satisfaction, you can report it to the [province] Human Rights Tribunal [contact info]. In Ontario, contact the Ministry of Labour which may assign a 3<sup>rd</sup> party to investigate.

Threats, attempts or actual incidents of physical or sexual assault are all criminal offences and can be reported to your local police service.

## **Discipline**

Acts of sexual harassment will not be tolerated and will be responded to with appropriate disciplinary action, up to and including termination, based on a thorough investigation of the incident and the surrounding circumstances. Such disciplinary action may include immediate termination, even if the person committing the act has committed no prior offences or engaged in previous acts of sexual harassment.

### Questions or Concerns

If you require any clarification or would like to discuss any part of ABC Company's Sexual Harassment Policy, please contact [contact info].

Signed: \_\_\_\_\_ President/CEO Date: \_\_\_\_\_