

### COMMITMENT

ABC Company is proud of its tradition of maintaining a work environment in which all individuals are treated with respect and dignity. The company's policy is that all employees have the right to work in an environment free from discrimination and sexual harassment. Sexual harassment in the workplace is illegal and will not be tolerated. All employees, at all levels, must avoid offensive and inappropriate sexual and/or sexually harassing behaviour at work and in any situation related to employment. ABC Company is committed to providing equality and impartiality in resolving complaints without fear and favour.

### SCOPE

This policy applies to all employees, prospective employees, customers, clients, contractors, vendors and all others who do business with or are in contact with ABC Company.

### WHAT IS SEXUAL HARASSMENT?

Sexual harassment includes offensive 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. It also includes any behaviour that could reasonably be thought to put sexual conditions on a person's job or employment opportunities. Any sexually harassing conduct during work or work-related activities, whether physical, verbal or psychological, and committed by a supervisor, non-supervisory personnel, clients, customers or visitors is strictly prohibited. Such conduct may result in disciplinary action, including dismissal.

Examples of sexual harassment include, but are not limited to:

- Unwelcomed/unwanted sexual conduct, sexual remarks, invitation or requests
- Displays of sexually explicit, sexist, or other offensive or derogatory material
- Written or verbal abuse or threats
- Jokes or practical jokes of a sexual nature
- Leering, staring, or other offensive gestures
- Unwelcomed physical contact such as patting, touching, pinching, hitting
- Unwelcomed advances, invitation, propositions of a sexual nature or repeated invitations after previous requests have been refused
- Any advances, invitations or propositions of a sexual nature which might, reasonably, be perceived as placing a condition on a person's employment, work assignment, or on any opportunity for training or promotion
- Requests for sexual favours
- Any verbal or physical conduct based on or related to sex that has the purpose or effect of creating an intimidating, hostile or offensive work environment
- Refusing to work with someone because of their sex or sexual orientation
- Remarks or innuendos about the sexual orientation or personal life of a person
- Sexual assault

*[Note: The harasser could be a man or a woman of either the same or opposite sex as the victim]*

### WHAT TO DO IF YOU FEEL SEXUALLY HARASSED OR DISCRIMINATED AGAINST

Do not ignore it. Do not put up with it. Do something. Tell the instigator to STOP the behaviour. Sometimes a strong communication (whether verbal or in writing) that the behaviour is unwelcome is enough. For example: “I need to talk to you about the jokes you’ve been telling lately.” “I find them sexist and offensive.” “I would like you to stop telling them.”

Note: If someone tells you that you did or said something that was inappropriate, offensive or harassing to them, don’t immediately become defensive—listen—and try to see the situation from the other person’s perspective. It may be that you have inadvertently been disrespectful, offensive or inadvertently harassed someone. This is a good time to correct the behaviour and apologize if necessary, before more serious measures are taken to stop the behaviour

### INFORMAL COMPLAINT

If you don’t feel comfortable approaching the instigator directly or if the behaviour does not stop, then report the matter to the sexual harasser advisor [name], your supervisor, or the human resources manager. The sexual harassment advisor, supervisor or manager will inquire into the matter and try to resolve it. Document the events as completely as you can, including witnesses, dates, times, and locations as this information will be necessary in case you file a formal complaint letter.

### FORMAL COMPLAINT

If the harassment did not cease by the harasser being told to stop the behaviour, or by other informal measures, or if you feel that the matter needs further attention, file a formal complaint. You can obtain a complaint form from \_\_\_\_\_. Be assured that ABC Company will treat your complaint promptly, fairly, seriously and confidentially. Your complaint will be investigated by a qualified individual from inside or outside of the company. You will need to provide information about the harassment such as name of the alleged harasser(s); details of what happened; dates; times; places; how often the behaviour occurred; and witnesses’ names. You will be kept informed about the progress of your complaint, and you will be informed of the investigation findings.

### RETALIATION PROHIBITED

All employees have the right to make a complaint or enforce their rights under this policy without fear of retaliation. Retaliation can be any adversely affected term of employment or discrimination against an employee who exercises his/her rights under the policy or the Human Rights Act and who files a complaint or assists in the investigation of a complaint. A person who retaliates will be treated in the same manner as a person who has harassed and will be subject to discipline. Examples of retaliation include:

- Undue criticism of the complainant’s work performance
- Failure to give promotion or work opportunities to the complainant
- Changing the complainant’s job assignment
- Isolating or ridiculing the complainant
- Discharge

Complaints of such retaliation will be promptly investigated.

### **FALSE ACCUSATION**

ABC Company encourages victims of harassment to come forward and file complaints. However, at the same time, it should be pointed out that making a false and fabricated accusation against innocent persons is a serious offense. After investigation, if it is found that the complaint was frivolous, vexatious or not made in good faith, the complainant may be subject to discipline.

### **MEDIATION**

ABC Company encourages its employees to resolve disputes through mediation. Therefore the company offers mediation services to the parties if they so choose. The company will bear all the costs of the mediation including paid time-off for its employees. If the parties choose not to avail themselves of the mediation process then an investigation will take place.

### **INVESTIGATION**

An investigation (whether internal or external) will be appointed to investigate your complaint. He/she will conduct a thorough and full investigation following the principles of natural justice and due process and will allow the parties full opportunity to present their case. The investigator will determine whether or not harassment occurred and he/she will provide a written report of the investigation's findings to [Name of Executive in the Organization] who will determine necessary corrective actions and penalties.

The complainant and respondent will be given \_\_\_\_ days to review and comment on the investigator's findings. Comments are to be sent to the Vice-President of Human Resources [or other designate individual].

### **CORRECTIVE ACTION**

If the investigation concludes that sexual harassment did occur, immediate and appropriate corrective and/or disciplinary action shall be taken. Corrective measures, proportionate to the seriousness of the offense, may range anywhere from a verbal or written warning to suspension, transfer, and even dismissal for a harasser. Appropriate remedies will be provided to the victim if so warranted.

### **APPEALS**

If dissatisfied with the investigation's findings, the complainant and/or the alleged harasser have the right to file an appeal with [Title and Name of Executive in the Organization] within \_\_\_\_ days of hearing the determination of the investigation. If the executive member mentioned above believes that there are sufficient grounds to conduct further investigation, he/she may do so.

### **CONSENSUAL RELATIONSHIPS**

ABC Company particularly warns supervisors against engaging in sexual or romantic relationships with a subordinate. Due to the fact that it is very difficult to prove that such relationships are consensual, the company is vulnerable to sexual harassment claims. Therefore, supervisors should be aware that the company regards consensual relationships between supervisors and subordinates as inappropriate. In the event that a consensual relationship does develop between a supervisor and a subordinate, the sexual harassment advisor should be notified immediately so that appropriate measures may be taken to protect all parties involved.

### **CONFIDENTIALITY**

All persons involved with the investigation of a complaint, including the complainant and the respondent, are required to maintain confidentiality except where disclosure is necessary for the purposes of investigating the matter, imposing a penalty contemplated by this policy, or as required by law. ABC Company will make every effort to ensure the confidentiality of the complainant and the alleged harasser to the degree permitted by law.

### **OTHER AVENUES OF REDRESS**

This procedure does not deny or limit access to other avenues of redress available under the law [i.e., criminal complaint, civil suit, grievance or a complaint with the appropriate human rights commission]. The investigator may decide to postpone, suspend or cancel the investigation should any of these avenues be pursued.

### **TIME LIMITS**

Complaints should be filed as quickly as possible, but not later than \_\_\_\_ months from the time of the alleged incident.

### **POLICY DISTRIBUTION**

All new employees shall be given a copy of this policy upon commencement of employment. Updates will also be distributed from time to time. Complaint reporting procedures and other pertinent information shall be posted on [Name and Location] bulletin boards and on the company website at: [website address].

ABC Company will review this policy periodically and will make adjustments where necessary. If you have any concerns or comments about this policy please bring them to the attention of [Human Resources Representative]. ABC Company is committed to a harassment free work environment and will do all that it can to achieve it.

*[Note: These sample provisions may be adapted to conform to your organization's needs. You should consult your lawyer to ensure that these provisions are appropriately modified to conform to your organization's size, structure, policies and other requirements of your particular organization, and privacy and other applicable laws.]*