

SAMPLE - Harassment Prevention Policy

Manitoba Labour and Immigration – Workplace Safety and Health Division (WSHD) developed this sample to assist employers in developing their own workplace policy. This sample is also included in the *Guideline for Preventing Harassment and Violence in the Workplace*.

Employers must develop and implement a written harassment prevention policy in consultation with the workplace safety and health committee or representative. If there is no committee or representative, the employees should be consulted.

A copy of the final policy must be posted in a prominent location at the workplace.

Harassment Prevention Policy for: _____

Company Commitment

At _____, we are committed to providing a safe and respectful work environment for all staff and customers. No one may be harassed and no one has the right to harass anyone else, at work or in any situation related to employment with this organization.

This policy is a step toward ensuring that our workplace is a respectful and safe place for all of us, free from harassment.

What is Harassment?

There are two main types of harassment. One type includes inappropriate conduct in any form about a person's:

- age, race
- creed, religion
- sex, sexual orientation
- marital status, family status, economic status
- political belief, association or activity
- disability, size, weight, physical appearance
- nationality, ancestry or place of origin

A second main type relates to what is sometimes referred to as “bullying” behaviour that may involve:

- repeated humiliation or intimidation that adversely affects a worker's psychological or physical well-being
- a single instance so serious that it has a lasting, harmful effect on a worker

Harassment may be written, verbal, physical, a gesture or display, or any combination of these. It may happen only once, but often happens repeatedly.

What is not harassment?

Reasonable, actions by managers or supervisors to help manage, guide or direct workers or the workplace are not harassment. Appropriate employee performance reviews, counselling or discipline by a supervisor or manager is not harassment.

Employee Rights and Responsibilities

Employees are entitled to work free of harassment at _____.

Employees have the responsibility to treat each other with respect. We ask that any employee who experiences harassment or sees another person harassed reports it to the appropriate person at _____.

Employees are responsible to co-operate in the investigation of a harassment complaint. Anyone who investigates or gives evidence in a complaint investigation is asked to keep details confidential until the investigation is complete.

All employees have the right to file a complaint with the Manitoba Human Rights Commission.

Employer Responsibilities

Management at _____ must ensure, as much as possible, that no employee is harassed in the workplace.

Management will take corrective action with anyone under their direction who harasses another person.

Management will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to anyone except where disclosure is:

- necessary to investigate the complaint
- a part of taking corrective action
- required by law

The harassment prevention policy at _____ does not discourage or prevent anyone from exercising their legal rights.

_____, its managers and supervisors are responsible for keeping a safe work environment, free of harassment. If you are a manager and you become aware of harassment you must do everything in your power to stop it, whether or not a complaint is made.

Courts presume that employers and managers are responsible for being aware of harassment in their organization and may penalize them accordingly. Managers who ignore harassment leave themselves and their employer open to legal consequences, and will be disciplined at _____.

Procedures Applying to Complaints of Harassment

If you are harassed, the first thing to do is tell the person harassing you to stop, if you feel comfortable doing that. You can do this in person or in writing. If you feel unable to deal with him or her directly, you can speak to your supervisor or _____ (identify a specific manager or designated member of a harassment committee).

There may be informal ways to handle your complaint. Your supervisor may speak to the harasser. Your supervisor may also arrange for mediation, in which a neutral third party helps the people involved reach an acceptable solution. If the informal route does not succeed or is not appropriate, _____ supports its employees in filing a formal complaint.

The complaint will be investigated thoroughly and promptly by an independent party (either within the organization or outside of it) trained to investigate such matters. When the investigation is complete, the investigator will provide a written report for management.

_____ (identify appropriate company manager) will inform the person who filed the complaint and the harasser of any remedies or disciplinary action.

Corrective Action for Harassers

Employees who harass another person will be subject to corrective action by the employer. In most cases, the harasser will also be required to attend workplace behaviour training.

If the investigation does not find evidence to support the complaint, no record will be kept in the file of the alleged harasser. When the investigation finds harassment occurred, the incident and the corrective action will be recorded in the harasser's personnel file.

Confidentiality

The company and its managers will not identify a complainant, an alleged harasser or any circumstances about a complaint, to anyone, except:

- when it is necessary in investigating the complaint
- if it is part of disciplinary action
- where required by law

Retaliation

Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation or been found guilty of harassment, will be considered to have committed harassment and will be subject to corrective actions described previously.

Education

_____ commits to making sure all of its employees and managers learn about harassment and the company's harassment policy.

Monitoring

_____ will monitor this policy and make adjustments whenever necessary. If you have any concerns with this policy, please bring them to the attention of _____ (identify appropriate manager).

Note:

In keeping with the requirements of *The Human Rights Code*, it is practical for employers to include remedies for harassed workers in the workplace policy. The policy could include the following remedies:

Remedies for the Harassed Worker

Employees who have been harassed may be entitled to one or more of the following remedies, depending on the severity of the harassment and its effects:

- an oral or written apology from the harasser and _____ (company name)
- compensation for any lost wages
- a job or promotion that was denied because of the harassment
- compensation for any lost employment benefits, such as sick leave
- compensation for hurt feelings
- a commitment they will not be transferred, or have a transfer reversed, unless they choose to move

No record of the complaint, investigation or decision will go in the employee's personnel file if the complaint was made in good faith. Any unfavourable work review or comments that were placed in the complainant's personnel file because of the harassment will be removed from the file.

For a copy of the ***Guideline for Preventing Violence and Harassment in the Workplace*** go to **www.safemanitoba.com** or contact the Workplace Safety and Health Division at: 204-945-3446 in Winnipeg or toll free in Manitoba 1-866-888-8186.