



ANTI-HARASSMENT &
ANTI-DISCRIMINATION POLICY
(FEDERAL)

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ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY

[Name of Company]

Policy Statement

[Name of company] recognizes the diverse and multicultural composition of its organization and appreciates the dignity, worth and contribution of each of its employees.

Under the Canada *Human Rights Act*, R.S.C., 1985, c. H-6 ("Act"), every person has the right to freedom from harassment and discrimination. [Name of company] is committed to ensuring that its workplace is free of harassment and discrimination by:

- monitoring and regularly reviewing human resource policies and procedures to ensure the provision of equality in hiring, training, promotion and working conditions;
- recognizing the importance of accommodating persons with disabilities in a manner that respects their dignity;
- thoroughly investigating reported incidents of discrimination and/or harassment in an objective, sensitive and timely manner with due regard to the confidentiality of all parties concerned;
- providing a fair and effective resolution of harassment and discrimination complaints;
- taking necessary action against those who are found in contravention of this policy, up to and including termination of employment; and
- providing support to those affected by harassment and discrimination to ensure their health and wellness.

Scope

This policy applies to all [name of company]'s full-time, part-time, casual and temporary employees, as well as to all interns and volunteers. It applies to events that occur outside the physical workplace that are work-related, including company parties.

Prohibited Content

[Name of company] will not tolerate or condone harassment or discrimination by, or to its employees.

Definitions

“Protected Grounds” The Act protects [*name of company*]’s employees from discrimination and harassment on the basis of protected grounds. These grounds include a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or record of offences for which a pardon has been received.

“Discrimination” Discrimination is differential treatment, whether intentional or not, on the basis of a protected ground, which has the effect of imposing burdens, obligations or disadvantages not imposed on others, or which withholds or limits access to opportunities, benefits and advantages that are available to others.

“Harassment” Harassment is a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, based on a protected ground. Harassment can take many forms, including, but not limited to: (a) threats, intimidation or verbal abuse; (b) unwelcome remarks or jokes about subjects such as the person's race, religion, disability age or other characteristics; (c) displaying sexist, racist or other offensive pictures or posters; (d) *unnecessary* physical contact, such as touching, patting, pinching and/or punching; (e) physical assault; and (f) retaliation in any form for having filed a complaint of Discrimination or assisted in complaint proceedings.

“Sexual Harassment” Sexual Harassment is any conduct, comment, gesture or contact of a sexual nature. It includes, but is not limited to a sexual invitation or advance, or a threat of punishment for the rejection of a sexual advance, made by a person in a position to grant or deny a benefit or advancement. Examples of sexual harassment include, but are not limited to: (a) persistent leering (suggestive staring) or other obscene/offensive gestures; (b) unwanted and inappropriate physical contact such as touching, kissing, patting, pinching and/or brushing up against a person; (c) unwelcome sexually-oriented remarks, invitations, requests, jokes and/or gestures; (d) unwelcome sexual flirtations, advances, and/or propositions; (e) inquiries or comments about a person's sex life; (f) demands or requests for sexual favours, especially by a person who is in a position of authority; (g) displaying sexually offensive materials; and (h) sexual assault.

Roles and Responsibilities

All employees have the responsibility to treat each other with respect. All employees have a responsibility to report any instances of harassment or discrimination to [*name of company*]. All employees are responsible for respecting the confidentiality of anyone involved in a harassment complaint.

Managers are responsible for fostering a safe work environment, free of harassment and discrimination. Managers must set an example for appropriate workplace behaviour and must deal with situations of harassment immediately upon becoming aware of them, whether or not there has been a complaint.

Employers can expect any complaint involving alleged harassment or discrimination to be taken seriously and dealt with promptly, fairly and confidentially.

The Complaint Procedure

General

Any person who experienced harassment or discrimination or observed others experiencing harassment or discrimination is encouraged to document details of the incident shortly after it has occurred, noting:

- the name of the parties involved;
- the date, time and location of the incident;
- a description of the incident, including words and/or gestures; and
- the name(s) of witness(es) to incident.

This information will help with any of the resolution methods described.

Informal Resolution between Employees

Employees who feel they have been the target of offensive behaviour are encouraged as an initial step to raise their concern with the alleged offender either in person, by phone or in writing. This step is *only* suggested if the employee feels comfortable to do so. [Name of company] human resources staff can support the employee to prepare for this conversation and can act as an informal mediator for both parties.

Often, the alleged offender may not be aware that their behaviour is unwelcome. A clear message to them may stop the behaviour. If the complaint is not resolved at this stage, [name of company] asks its employees to initiate a formal complaint.

Formal Complaint

Employees may initiate the written complaint process at any time by submitting a written complaint to their manager or human resources staff. Complaints may also be initiated by filing a grievance, as applicable under a relevant Collective Agreement.

Formal complaints should be made as soon as possible after the date of the alleged incident and no later than after 12 months. Timely filing will allow for a proper investigation while the events are still fresh in the minds of witnesses and will ensure a timely resolution.

Formal Investigation

In instances where a formal investigation is required, [name of company] will appoint an investigator (either internal or external) to conduct a fact-finding investigation, informing the immediate supervisors of the complainant and offender.

On a case-by-case basis, if appropriate, [name of company] may transfer the offender (or the complainant upon their request) to another location within the organization, pending the determination of the complaint.

The investigator will conduct individual interviews with the complainant, the offender and any witnesses to the alleged events.

Interview subjects may be accompanied by a person of their choice for moral support during any step of the investigation. Interviewees will be asked to review meeting notes and sign them to indicate their accuracy.

Upon completion of the investigation, the investigator will review all evidence collected and determine whether it is probable that this policy has been contravened.

The investigator will meet individually with the complainant and offender to share preliminary findings of the investigation. At that time, both parties will be afforded an opportunity to provide any additional information they feel may be relevant to the final outcome of the investigation. The investigator may determine that further investigation is required.

The investigator will provide a detailed report of findings to the Executive Director of [*name of company*]. The Executive Director may seek advice from legal counsel if required.

The Executive Director will work collaboratively with the leadership group to determine the outcome of the investigation and its implementation plan. The Executive Director will then inform the complainant and offender of its decisions in this regard.

Potential Outcomes of the Investigation

If a complaint is substantiated, [*name of company*] may take any appropriate action, including the following:

- counselling, training and close supervision of the offender;
- providing a written apology to the complainant;
- permanent separation of the offender and the complainant through the transfer of the former, or, at their request, the latter;
- disciplinary action against the offender (including demotion, suspension or termination);
- reporting of the offence to appropriate civil authorities for further action and charges;
- awareness sessions, training or counselling for managers or other employees; and
- other such measures as may be needed to establish or re-establish a positive, productive environment, or to deal with lack of knowledge, poor attitudes or deficiencies within the system.

Malicious and Frivolous Complaints

Malicious complaints are considered a contravention of this policy. Should [*name of company*] find that a complaint is malicious or frivolous, it may take appropriate disciplinary action against the complainant.

Retaliation

Retaliation or threats of retaliation toward anyone involved in a complaint investigation is viewed as a violation of this policy. Investigation of such behaviour will occur and appropriate disciplinary action taken, up to and including termination of employment.

Confidentiality and Co-operation

All parties involved in the resolution or investigation of a complaint, including the complainant, the alleged offender and witnesses, are expected to facilitate the process, co-operate and maintain confidentiality.

All documentation involved in the complaint process, including the final report, will be maintained in confidence. In all instances, such documentation will be kept separate personnel files. If there is disciplinary action, the reason for discipline, as well as the nature of the discipline will be recorded in an employee's personnel file.

Appeal Procedure

Employees who are dissatisfied with the outcome of the written complaint procedure may apply by way of letter to the [*name of company*] and request a review of the decision, stating explicitly the grounds for the request.

Alternative Procedures

This policy does not limit the entitlement of any person to make a complaint to the Canadian Human Rights Commission or take any other step which the person is entitled to take at law.

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