

NORTHWEST TERRITORIES & NUNAVUT

# CODES OF PRACTICE

In accordance with the *Northwest Territories Safety Act* and *Occupational Health and Safety Regulations*; and *Nunavut Safety Act* and *Occupational Health and Safety Regulations*.  
Also in support of the *Northwest Territories Mine Health and Safety Regulations* and the *Nunavut Mine Health and Safety Regulations*.

March 2019

## Harassment



# Harassment

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## FOREWORD

The Workers' Safety and Compensation Commission (WSCC) produced this industry Code of Practice in accordance with subsections 18(3) and 18(4) of the Northwest Territories and Nunavut *Safety Acts*.

The *Harassment Code of Practice* applies to all worksites covered by the Northwest Territories and Nunavut *Safety Acts* and *Occupational Health and Safety Regulations*.

The WSCC would like to thank both: the Government of Saskatchewan for permitting the adaptation of their document *Harassment Prevention: An employer's guide for developing a harassment policy* (2016) and the © Queen's Printer for Ontario for use of their *Code of Practice to Address Workplace Harassment under Ontario's Occupational Health and Safety Act* (2016).

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This code is in effect as published in the *Northwest Territories Gazette* and *Nunavut Gazette*, in accordance with the *Safety Acts* and *Occupational Health and Safety (OHS) Regulations*.

### IN EFFECT DATES:

**Northwest Territories:** March 29, 2019

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Chief OHS Inspector, WSCC

### Disclaimer

This publication refers to obligations under workers' compensation, occupational, and mine health and safety legislation as administered by the Workers' Safety and Compensation Commission.

To ensure compliance with legal obligations, always refer to the most recent legislation. This publication may refer to legislation that has been amended or repealed.

Check for information on the latest legislation at [wscn.nt.ca](http://wscn.nt.ca) or [wscn.nu.ca](http://wscn.nu.ca), or contact WSCC at 1-800-661-0792.

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# 1 WHAT IS A CODE OF PRACTICE?

The Workers' Safety and Compensation Commission (WSCC) Codes of Practice (COP) provide practical guidance to achieve the safety requirements of the Northwest Territories and Nunavut *Safety Acts* and related *Regulations*.

COP come into effect in each territory on the day they are published in the *Northwest Territories Gazette* and *Nunavut Gazette*.

COP do not have the same legal force as the *Acts*, the *Mining Regulations*, or the *Occupational Health and Safety Regulations*. A person or employer cannot face prosecution for failing to comply with a COP. They are considered industry best practice and may be a consideration when determining whether an employer or worker has complied with the *Safety Acts* and *Regulations* in legal proceedings.

## 1.1 INDUSTRIAL SAFETY

As per subsection 18(3) of the Northwest Territories and Nunavut *Safety Acts*, "For the purpose of providing practical guidance with respect to the requirements of any provision of this Act or the regulations, the Chief Safety Officer may approve and issue such codes of practice as he or she considers are suitable for that purpose."

Employers and workers should follow WSCC COP unless there is an alternative course of action that achieves the same or better occupational health and safety outcomes.

## 1.2 MINE SAFETY

This COP serves as a supporting document on how to meet the requirements under section 2 *Mine Health and Safety Acts*. It provides guidance on harassment specific best practices, in addition to relevant links and resources.

Do not hesitate to contact the WSCC at 1-800-661-0792 for clarification on which legislation applies to a specific worksite.

### **A Code of Practice**

- Assist in improving an Occupational Health and Safety Program
- Provides practical guidelines.
- Adapts to individual work sites.
- May serve as evidence.
- Should be followed unless there's a better way.

## 2 INTRODUCTION

Workers have a right to a healthy and safe work environment, free from harassment. Employers are required to take reasonable steps to prevent and stop harassment connected to a worker's employment.

Under the *Occupational Health and Safety (OHS) Regulations*, employers are required to develop and implement a harassment policy within their workplace. Under the *Mining Health and Safety (MHS) Regulations* owners (from here onward referred to as employers) are required to implement and maintain work practices that are safe and that do not present undue risk to health to workers. This guide provides an outline on how to develop a policy and the best practices to use when dealing with harassment. A sample policy and policy statement can be found in the appendices.

### 2.1 WHAT IS HARASSMENT?

Harassment includes any unwelcomed conduct, comment, display, action or gesture by a person that:

- is made on the basis of race, creed, religion, colour, sex, sexual orientation, gender, gender identity, marital status, family status, disability, physical size or weight, age, nationality, accent, ancestry or place of origin; and
- constitutes a threat to the health or safety of the worker.

#### SEXUAL HARASSMENT

Another form of harassment is sexual harassment which is conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or unwelcome.

Sexual harassment may include:

- a direct or implied threat of reprisal for refusing to comply with a sexually-oriented request;
- unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, attire, sex or sexual orientation;
- displaying pornographic or sexually explicit pictures or materials;
- unwelcome physical contact;
- unwelcome invitations or requests, direct or indirect, to engage in behaviour of a sexual nature; or
- refusing to work with or have contact with workers because of their sex, gender, gender identity, or sexual orientation.

Certain types of conduct, such as displaying a poster or making comments that are overheard by another worker, may not be specifically directed at one individual, but can still be considered harassment.

## PERSONAL HARASSMENT

Personal harassment includes any inappropriate conduct, comment, display, action or gesture by a person that:

- adversely affects a worker's psychological or physical well-being;
- the perpetrator knows or ought to reasonably know would cause the worker to be humiliated or intimidated; or
- constitutes a threat to the health and safety of a worker.

Personal harassment is sometimes referred to as bullying.

Personal harassment typically involves repeated occurrences. A single incident may also constitute personal harassment if it is serious or severe and is shown to have a lasting harmful effect on a worker.

Personal harassment may include:

- verbal or written abuse or threats;
- insulting, derogatory or degrading comments, jokes or gestures;
- personal ridicule or malicious gossip;
- unjustifiable interference with another's work or work sabotage;
- refusing to work or co-operate with others; or
- interference with or vandalizing personal property.

Harassment can exist even when there is no intention to harass or offend. Every person must take care to ensure their conduct is not offensive to others.

All incidents of inappropriate conduct should be appropriately addressed to ensure that the workplace remains respectful and free of harassment.

## 2.2 WHAT IS NOT HARASSMENT?

Day-to-day management or supervisory decisions involving work assignments, job assessment and evaluation, workplace inspections, implementation of appropriate dress codes and disciplinary action are not considered harassment, even if they sometimes involve unpleasant consequences. Managerial actions must be carried out in a manner that is reasonable and not abusive.

Other situations that do not constitute harassment include:

- physical contact necessary for the performance of the work using accepted industry standards;
- conduct which all parties agree is inoffensive or welcome; or
- disagreements in the workplace that are not based on one of the prohibited grounds.

### 3 LEGISLATION

***Safety Act  
Northwest Territories and Nunavut***

**HEALTH AND SAFETY**

4. (1) Every employer shall
  - (a) maintain his or her establishment in such a manner that the health and safety of persons in the establishment are not likely to be endangered;
  - (b) take all reasonable precautions and adopt and carry out all reasonable techniques and procedures to ensure the health and safety of every person in his or her establishment; and
  - (c) provide the first aid service requirements set out in the regulations pertaining to his or her class of establishment.
- (2) If two or more employers have charge of an establishment, the principal contractor or, if there is no principal contractor, the owner of the establishment, shall coordinate the activities of the employers in the establishment to ensure the health and safety of persons in the establishment.
5. Every worker employed on or in connection with an establishment shall, in the course of his or her employment,
  - (a) take all reasonable precautions to ensure his or her own safety and the safety of other persons in the establishment; and
  - (b) as the circumstances require, use devices and articles of clothing or equipment that are intended for his or her protection and provided to the worker by his or her employer, or required pursuant to the regulations to be used or worn by the worker.

***Occupational Health and Safety Regulations  
Northwest Territories and Nunavut***

**PART 3 GENERAL DUTIES**

**Harassment**

34. (1) In this section, "harassment" means, subject to subsections (2) and (3), a course of vexatious comment or conduct at a work site that
  - (a) is known or ought reasonably to be known to be unwelcome; and
  - (b) constitutes a threat at the work site to the health or safety of a worker.
- (2) To constitute harassment for the purposes of subsection (1), any one of the following must have occurred:
  - (a) repeated conduct, comments, displays, actions or gestures; or
  - (b) a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker's health or safety.
- (3) For the purpose of subsection (1), harassment does not include reasonable action taken by an employer or supervisor relating to the management and direction of the workers or of the work site.



- (4) An employer shall, in consultation with the Committee or representative, or, if no Committee or representative is available, the workers, develop and implement a written policy that includes
- (a) a definition of harassment that is consistent with subsections (1), (2) and (3);
  - (b) a statement that each worker is entitled to work free of harassment;
  - (c) a commitment that the employer will make every reasonable effort to ensure that workers are not subjected to harassment;
  - (d) a commitment that the employer will take corrective action respecting any individual who subjects any worker to harassment;
  - (e) an explanation of how harassment complaints may be brought to the attention of the employer;
  - (f) a statement that the employer will not disclose the name of a complainant or an alleged harasser or the circumstances relating to the complaint to a person unless disclosure is
    - (i) necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint, or
    - (ii) required by law;
  - (g) a description of the procedure that the employer will follow to inform a complainant and alleged harasser of the results of an investigation; and
  - (h) a statement that the employer's harassment policy is not intended to discourage or prevent a complainant from exercising other legal rights.
- (5) An employer shall make readily available to workers a copy of the policy required under subsection (4).

***Mine Health and Safety Act  
Northwest Territories and Nunavut***

**DUTIES AND RESPONSIBILITIES**

**Duties of owner**

2. (1) The owner of a mine shall take every reasonable measure and precaution to protect the health and safety of employees and other persons at the mine.
- (2) The owner of a mine shall
- (a) implement and maintain work practices that are safe and that do not present undue risk to health; and
  - (b) provide and maintain healthy and safe worksites.

## 4 PURPOSE OF HARASSMENT LEGISLATION

The *Acts* protect workers from workplace harassment that may affect their health and safety.

Employers are required to:

- prevent harassment;
- address harassment when it does occur; and
- develop and implement a harassment policy.

### 4.1 EMPLOYER'S DUTIES

Every employer has a legal obligation to ensure, as much as reasonably practicable, that workers are not exposed to harassment with respect to any matter or circumstance during their employment.

This duty extends to:

- incidents that occur at the workplace or during work hours;
- conduct perpetrated by another employee (i.e., co-worker, supervisor, contractor) or the employer;
- incidents that occur outside of the usual workplace or after work hours that arise out of or are connected to a worker's employment, such as a work-sponsored social event or conference; and
- someone's conduct other than an employee, but with whom the worker is required to meet with, including clients, contractors or the public.

Harassment policies and programs only work if employers demonstrate a sincere commitment to a harassment-free workplace.

The *OHS Regulations* require all employers to develop and implement an effective written harassment policy; this is considered best practice under the *MHS Acts*. This can include proactive training on topics such as respectful workplaces, diversity and conflict resolution. Employers should use effective management practices to clearly define tasks, roles and workload, and promote fairness and openness in the workplace.

Employers should look beyond what is legally required and take additional action to create a respectful working environment.

It is necessary for the employer and all its representatives (managers, supervisors, lead hands etc) to enforce and follow the employer's harassment policy and procedures. If this does not occur, as with any safety procedure, the workers will assume it is optional to follow and will not buy-in.

## 4.2 SUPERVISOR TRAINING AND COMMITMENT

Supervisors must be appropriately trained to set good examples, be alert to problems, receive harassment complaints, follow workplace policies and procedures, and protect workers from reprisal or retaliation.

### SETTING A GOOD EXAMPLE

Supervisors need to be aware of their behaviour and how it influences the workplace. Showing respect for workers at all levels is critical. Supervisors should never act in a way that could be seen as disrespectful or harassing. They should never approve of others acting that way.

### BEING ALERT TO PROBLEMS

Supervisors need to ensure harassment is not occurring. Signs of harassment may include rumours, increased absenteeism, decreased motivation, reduced job performance and increased staff turnover.

If a supervisor thinks harassment may be taking place, they must act promptly and appropriately. Although situations will vary, appropriate action may include:

- speaking privately to the worker who is potentially being harassed to find out if they have experienced unwelcome behaviour;
- speaking privately to the person whose conduct may be harassing to indicate that the conduct is potentially offensive;
- reviewing the harassment policy with workers;
- directing workers to remove offensive material or displays that go against the *Act* or harassment policy of the workplace;
- bringing serious concerns to the attention of upper management; and
- holding an awareness session on harassment.

### RECEIVING HARASSMENT COMPLAINTS

Supervisors must take all complaints seriously. Workers should never be discouraged from pursuing or resolving a complaint in accordance with the harassment policy. Those responsible for receiving harassment complaints should:

- explain the harassment policy to the complainant;
- explain the options for dealing with harassment as stated in the policy;
- advise the complainant the complaint will be kept confidential; and
- protect the complainant from reprisal or retaliation.

The supervisor must follow the employer's harassment policy and procedures to process the harassment complaint.

## PROTECTING WORKERS FROM REPRISAL AND RETALIATION

Employers and supervisors need to ensure they protect the worker making a complaint from reprisal or retaliation. This can include taking actions before the investigation is complete, such as:

- cautioning the alleged harasser(s) about the types of behaviour that will not be tolerated;
- moving the alleged harasser(s) to another work unit;
- moving the complainant to another work unit at their request; or
- suspending the alleged harasser(s) with pay while conducting an investigation.

### 4.3 WORKER TRAINING AND COMMITMENT

A harassment policy must contain a statement indicating that every worker is entitled to employment free of harassment. It is important to note that the responsibility for employment free from harassment falls to everyone in the workplace.

Workers need to know their rights and responsibilities, understand acceptable behaviour and know what to do if someone is being harassed.

All workers have a duty to refrain from causing or participating in the harassment of another worker.

Workers must be assured:

- they have the right to bring harassment concerns to their employer without fear of reprisal or retaliation;
- concerns will be addressed in a confidential and professional manner; and
- action will be taken to stop harassment.

Harassment-free workplaces can be encouraged in a variety of ways.

Information meetings held to explain harassment could include:

- what rights and responsibilities workers have under safety legislation;
- the types of behaviours prohibited by the harassment policy including behaviours by third parties that will not be tolerated;
- tips for creating a respectful workplace;
- the process for investigating a harassment complaint and the provisions of the policy that ensure confidentiality, due process, and fairness;
- the potential consequences to an individual who causes or participates in harassment; and
- the employer's commitment to protect workers from reprisal or retaliation for making a harassment complaint.

Supervisors can also encourage awareness and commitment to harassment-free workplaces by:

- ensuring all new workers receive orientation on harassment including how harassment can damage the personal and professional lives of others;
- reviewing and providing a copy of the policy to workers;
- ensuring the people delivering the information understand the workplace harassment policy and make clear that the employer takes harassment seriously;
- including harassment information in workers' handbooks or reference brochures;
- displaying posters or other materials in highly visible locations stating the workplace is committed to being respectful and harassment-free; and
- using videos, publications and reference materials on harassment for training and orientation.

## 5 DEVELOPING AND IMPLEMENTING A HARASSMENT POLICY

The employer, in consultation with the Joint Occupational Health and Safety Committee (JOHSC) or Safety representative, must develop a written harassment policy to include:

- a definition of harassment that matches the definition in the *OHS Regulations*;
- a statement that every worker is entitled to a harassment-free workplace;
- a commitment that the employer will make every reasonable effort to ensure no worker is subjected to harassment;
- a commitment that the employer will take corrective action with a worker who subjects another worker to harassment;
- a process on how complaints can be brought to the attention of the employer;
- a statement of confidentiality;
- a reference to the harassment provisions of the *OHS Regulations*;
- a process on how the complainant and alleged harasser(s) will be informed of the results of the investigation; and
- a statement that the employer's harassment policy is not intended to discourage or prevent the complainant from exercising any other legal rights.

When developing a harassment policy, employers must seek input from their JOHSC or Safety representative. Some benefits of consulting the JOHSC or Safety representative are:

- JOHSC members can be a resource;
- JOHSC support for the policy is essential in its implementation; and
- the JOHSC will provide assistance in monitoring the policy.

Have workers review and comment on the policy before it is put into effect.

### 5.1 DEFINING HARASSMENT

Employers must clearly define in their policy what is and is not considered to be harassment.

A harassment policy does not extend to harassment in matters or circumstances unrelated to a worker's employment. For example, harassment that occurs during a social gathering of co-workers after work that is not sponsored by the employer is not covered. However, harassment that occurs while attending a conference or training session at the request of the employer is covered within the policy.

## 5.2 PROCEDURES FOR HANDLING HARASSMENT COMPLAINTS

Having clear procedures is important to ensure harassment complaints are dealt with in a consistent, competent, fair and effective manner. This increases worker confidence that harassment complaints will be handled in an appropriate way.

When creating a procedure for handling concerns, employers should consult with JOHSC or Safety representative to answer the following questions:

### 1) How can workers bring complaints to the attention of the employer?

Employers can direct a worker to bring a harassment complaint to their immediate supervisor or, in the event of a conflict with the supervisor, any other supervisor in the workplace.

Any person designated to receive complaints must be adequately trained on:

- taking all complaints seriously and confidentially;
- the harassment policy; and
- their role in the overall process.

### 2) What are the duties of the person receiving the complaint?

Any person designated to receive harassment complaints should:

- advise a worker on how to bring the complaint to their attention;
- not discourage or prevent a worker from seeking the assistance of the WSCC or from pursuing any other legal rights;
- take complaints seriously, not ridiculing or dismissing a worker's concerns;
- keep complaints in confidence and not disclose complaints except in accordance with the policy or as required by law;
- investigate the complaint; and
- carry out other duties assigned under the policy.

### 3) What are the different options for handling a complaint?

Many policies give the complainant more than one option for how to proceed.

Options can include:

#### Opportunity to Seek Information or Advice

Harassment policies should clearly state that workers can go to supervisors or a designated person to seek information or advice. Those who hear complaints must explain complainants' rights and provide the options available for resolving a complaint.

### Informal Complaints Where Harasser is Not Named

Sometimes a complainant may not wish to identify the harasser or ask for direct intervention. The complainant may want only information, advice or indirect assistance in stopping the offending behaviour from continuing.

The policy should direct the person receiving this type of complaint to:

- review the contents of the harassment policy with the complainant;
- counsel the complainant, when appropriate and possible, to clearly and firmly express to the alleged harasser(s) that the behaviour is unacceptable and must stop;
- offer to indirectly intervene by arranging for all staff to attend workshops, view videos and have staff meetings to review the harassment policy;
- encourage the complainant to file a formal complaint when the matter poses a serious threat to the health and safety of the worker or others, is criminal in nature or where circumstances lead the supervisor to suspect intervention and educational activities cannot prevent the harassment from continuing; and
- document the conversation.

### Informal Complaints Where Harasser is Named

In some circumstances, the complainant names an alleged harasser(s) and requests informal intervention. In this case, the complainant does not seek an admission of guilt, apology or discipline. Rather, the complainant is looking for an agreement with the alleged harasser(s) that the offensive behaviour will not continue. This agreement should be documented.

The process should direct the person receiving this type of complaint to do the following:

- conduct separate informal discussions between the supervisor and the complainant, and between the supervisor and the alleged harasser(s);
- arrange a meeting, with the agreement of both parties, between the complainant and the alleged harasser(s) that is facilitated by a trained and impartial mediator;
- encourage the complainant to file a formal complaint where the matter poses a serious threat to the health and safety of the worker or others, is criminal in nature or where circumstances lead the supervisor to suspect informal mediation cannot prevent the harassment from recurring; and
- Advise the parties that no formal investigation or admission is required and no record of the complaint or of the agreement will be kept on either the complainant's or the alleged harasser(s)'s personnel file.

An informal agreement should not be viewed as an admission of harassment.



### Making a Formal Harassment Complaint

In a formal complaint, a worker makes a written allegation of harassment against someone. This results in a formal investigation to determine if harassment has taken place. This type of complaint requires the employer to take action to stop the harassment and prevent its reoccurrence.

#### **4) How will the policy address a complainant's other legal rights?**

Harassment policies should address the legal rights of a complainant including:

##### Other Legislation with respect to harassment

The policy should refer to certain sections of the Employment Standards Act and regulations. An employer may consider printing the full text of these sections in the policy, although it is sufficient if the policy simply makes reference to them.

The harassment policy should refer to the provisions of the Human Rights Act respecting discriminatory practices and the worker's right to file a complaint with the Human Rights Commission. The harassment policy must include a statement that it is not intended to discourage the complainant from exercising any other legal rights.

People in supervisory or management positions, as well as those investigating and resolving complaints, should know it is not appropriate to discourage a complainant from exercising any legal rights.

## **5.3 IMPLEMENTING A HARASSMENT POLICY**

Once employers have developed a harassment policy, they need to share it with their workers and implement it.

A few ways employers can share and implement their harassment policy include:

- hosting an all-staff information meeting to explain and answer questions about the policy and its implementation;
- having supervisors review the policy with new workers as part of orientation;
- training all people designated to receive, investigate or resolve complaints;
- posting a company harassment policy statement that is visible to all staff and the public; and
- ensuring all managers, supervisors, directors and officers set a good example.

## 6 FORMAL COMPLAINTS AND INVESTIGATIONS

Harassment policies should include all options for handling complaints. Workers who feel they have experienced harassment may make a formal complaint. Creating a process to receive and investigate formal complaints in a consistent, fair and effective manner is critical. Complaints should:

- be made in writing and include the complainant's signature; and
- include a form to gather all basic relevant information (see sample formal complaint form in Appendix A).

Once a complaint has been made, an initial assessment must occur to determine whether it falls within the policy's definition of harassment. If it is not covered, complainants should be advised of their right to seek the assistance of another agency.

The process must meet all requirements of *Acts and Regulations* concerning confidentiality and fairness.

If the conduct falls within the scope, it must be determined if immediate action is required to protect the complainant or others while the investigation is being conducted.

### CONFIDENTIALITY

An employer must not disclose the names of the complainant or the alleged harasser(s) except when necessary to investigate or take corrective action or where required by law. A statement to this effect must appear in the harassment policy.

The policy should also set out how confidentiality will be maintained at every stage of the process. This may include:

- giving direction about who will be informed of a complaint at each stage of the process;
- describing the training and instructions given to people designated to receive or facilitate the resolution of complaints; and
- stating who will have access to the results of the investigation.

Other practices that help to maintain confidentiality include:

- advising both the complainant and the alleged harasser(s) during the initial stages of the process to keep the matter in confidence;
- interviewing only witnesses necessary for the investigation;
- advising witnesses not to discuss the investigation or their statement; and
- ensuring others who participate in the process, including shop stewards, mediators, supervisors and management, commit to keep the process confidential.

## 6.1 FAIRNESS

Harassment policies should set out guidelines or procedures that ensure the process will be fair and appears fair.

The policy should address:

- **Bias** - the complainant and alleged harasser(s) should be assured that the people who receive, investigate or take action on the complaint are not biased.
- **Legal or Union Counsel** - both parties have the right to legal or union counsel during the investigation process.
- **Right to be Informed** - each person should be fully informed of the harassment process as well as their rights under the *Acts*.
- **Full Answer and Defense** - the alleged harasser(s) must be informed of the complaint in a manner sufficient to entitle themselves to present a full defense.

### CREDIBILITY OF WITNESS EVIDENCE

A fair investigation process should ensure the evidence used to make an assessment is credible. Investigators should be trained in investigative practices, including:

- interviewing witnesses separately;
- taking signed written statements from witnesses and providing them time to review their statements and confirm accuracy;
- avoiding hearsay and instructing witnesses to describe only what they personally know or witnessed;
- considering witness bias; and
- avoiding witness intimidation by advising witnesses their statements will not be shared with either the complainant or the alleged harasser(s) except as required by law, or to the extent necessary (i.e., a summary) to allow the alleged harasser(s) to make a full defense.

The alleged harasser(s) is usually entitled to receive a copy of the written complaint. Sometimes a written complaint can contain unnecessarily insulting or embarrassing opinions or statements about the alleged harasser(s). Such statements may cause hard feelings and interfere with achieving a mediated resolution.

It is good practice when a written complaint is made to:

- inform the complainant that a copy of the written complaint may be provided to the alleged harasser(s); and
- have the supervisor offer assistance to the complainant in completing a written complaint to avoid including unnecessarily insulting or embarrassing opinions or statements about the alleged harasser(s).

## UNNECESSARY DELAY AND TAKING ACTION

Employers should ensure there is no unnecessary delay between receiving the complaint, conducting the investigation, preparing the investigation report and taking action.

To meet best practice an investigation should be completed immediately unless there are extenuating circumstances warranting a longer investigation (e.g. more than five witnesses, key witness unavailable due to illness).

The supervisor, manager or designated person conducting the investigation on behalf of the employer should, at a minimum, complete the following steps to an investigation:

- 1.) The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation or as required by law. The investigator must remind the complainant, the alleged harasser(s) and any witnesses of any confidentiality requirements under the employer's workplace harassment program.
- 2.) The investigator should thoroughly interview both the complainant and the alleged harasser(s), if the alleged harasser(s) is a worker of the employer. If the alleged harasser(s) is not a worker of the employer, the investigator should make reasonable efforts to interview the alleged harasser(s), if known to the employer.
- 3.) The alleged harasser(s) should be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the complainant should be given a reasonable opportunity to reply.
- 4.) The investigator should separately interview any relevant witnesses employed by the employer who may be identified by either the complainant, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator should make reasonable efforts to interview any relevant witnesses who are not employed by the employer (if there are any identified by either the complainant, the alleged harasser(s) or as necessary) in order to conduct a thorough investigation.
- 5.) The investigator should collect and review any relevant documents.
- 6.) The investigator should take appropriate notes and statements during interviews with the complainant, the alleged harasser(s) and any witnesses.
- 7.) The investigator should prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker claiming harassment, the response from the alleged harasser(s), the evidence of any witnesses and the evidence gathered. The report can set out findings of fact and come to a conclusion about whether workplace harassment was found or not. The report should be provided to the employer, supervisor or designated person to take appropriate action.

Investigations will lead to a decision on whether harassment occurred or not and whether or not the complaint was made in good faith, and the corrective actions required to eliminate the harassment.

## 6.2 RESULTS OF THE INVESTIGATION

The results of the investigation are not the same as the investigation report. The results of the investigation are a summary of the findings of the investigation. Best practice is for the summary to be communicated in writing within 10 calendar days of the investigation being concluded to the complainant.

The employer should ensure that the written results of the investigation and any corrective action are provided to the complainant and the alleged harasser(s), if they are a worker of the employer.

The employer must also ensure that corrective action taken, if any (or to be taken) is communicated to the complainant and the alleged harasser(s), if the alleged harasser(s) is a worker of the employer. The amount of information provided about the corrective action will depend on the circumstances, but should indicate what steps the employer has taken or will take to prevent a similar incident if workplace harassment was found.

### NO HARASSMENT

When an investigation finds harassment has not taken place and the complaint was made in good faith, both the complainant and the alleged harasser(s) should be informed.

Employers should ensure they do not question the sincerity with which a complaint is made unless there is persuasive evidence.

When harassment has not taken place and a complaint has been made in bad faith, an employer should take action to discipline the worker who made the complaint. Where appropriate, an employer may also inform other people involved with the investigation that harassment was found not to have taken place.

This action may be necessary where the reputation of the alleged harasser(s) may be negatively affected.

Bad faith refers to a claim of harassment when the complainant knows the allegations are false.

### HARASSMENT TOOK PLACE

Employers must take corrective action with any person who harasses another in the workplace. When an investigation determines that harassment has taken place, employers need to decide what they will do to stop, prevent and deter harassment.

Options may include action against people in the workplace and third parties. The employer should ensure:

- the action stops harassment and prevents its recurrence;
- the action protects the complainant or others from reprisal;
- the action protects the privacy of the complainant and the harasser as much as possible;
- the action does not violate the collective agreement or any worker's employment contract; and
- any discipline imposed is appropriate.

Employers cannot ignore complaints of harassment because they fear the trouble and expense. An employer's action will be defensible if it is based on a fair and competent investigation.

The harassment policy does not have to describe the exact actions employers need to take in particular situations; creating a rigid policy will limit the choice of actions. It is good practice to list the types of actions employers may take. This demonstrates the employer's commitment and can strengthen workers' commitment to a harassment-free workplace.

## 7 MOVING FORWARD AFTER HARASSMENT

The Return to Work (RTW) process has unique challenges when it comes to harassment. The best practice for returning harassed workers to work is to be clear about expectations from the beginning; this includes having a comprehensive harassment policy and investigative procedure that is communicated to everyone.

Both the harassed worker and the harasser will have opinions on what an appropriate outcome will be, sometimes long before an investigation is even started. Clear procedures that detail how harassment is addressed will assist employers when they face a worker not wanting to RTW because they feel their harasser has not received enough 'punishment'. Both parties are entitled to their perceptions, but the priority for the employer is to get the worker back to safe and healthy work.

The employer is not responsible for making the harassed worker happy with the level of discipline the harasser receives; they are responsible for providing a safe and healthy working environment.

If harassment is found through the course of an investigation, it is the employer's responsibility to ensure that the hazard (in this case the harasser) has been controlled and the risk of harassment mitigated which could include: education, training, formal apology, transfer assignment, written warnings and even in severe or repeated cases, dismissal.

Once the investigation has been completed and the corrective actions have been identified complainant should be informed that harassment has been found and steps have been taken to prevent harassment from occurring again. The employer will need to follow-up to determine how they can prevent harassment from occurring again. The employer should:

- Offer separate check-in meetings with the harasser and the complainant to ensure the controls implemented are still effective in stopping the harassment.
- Determine what on-going support they can provide to the complainant or harasser.
- Review the harassment procedures and communicate the next steps to the harasser should the harassment continue.
- Consider what training is necessary for the entire staff, to prevent this from occurring again?
- Consider how could the behaviours of management contribute to preventing this from occurring again?

## APPENDIX A – SAMPLE HARASSMENT POLICY

Employers must design a harassment policy that best reflects the needs of their organization.

### Statement of Commitment

Every worker is entitled to employment free of harassment. *Employer's Name* is committed to ensuring a productive work environment where the dignity and worth of every person is respected.

Workplace harassment will not be tolerated and *Employer's Name* will take all reasonable steps to prevent harassment and stop it if it occurs.

### Definition of Harassment

#### Harassment Based on Prohibited Grounds

This includes any inappropriate conduct, comment, display, action or gesture by a person that:

- is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, accent, nationality, ancestry or place of origin; and
- constitutes a threat to the health or safety of the worker.

#### Sexual harassment

This includes conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or unwelcome.

- a direct or implied threat of reprisal for refusing to comply with a sexually-oriented request;
- unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body, attire, sex or sexual orientation;
- displaying pornographic or sexually explicit pictures or materials;
- unwelcome physical contact;
- unwelcome invitations or requests, direct or indirect, to engage in behaviour of a sexual nature; or
- refusing to work with or have contact with workers because of their sex, gender or sexual orientation.

#### Personal Harassment

This includes any inappropriate conduct, comment, display, action or gesture by a person that:

- adversely affects a worker's psychological or physical well-being; and
- the perpetrator knows or ought to reasonably know would cause the worker to be humiliated or intimidated.



Personal harassment must involve repeated conduct or a single, serious incident that causes a lasting harmful effect on the worker. All incidents of inappropriate conduct should be appropriately addressed to ensure that the workplace remains respectful and free of harassment.

Personal harassment may include:

- verbal or written abuse or threats;
- insulting, derogatory or degrading comments, jokes or gestures;
- personal ridicule or malicious gossip;
- unjustifiable interference with another's work or work sabotage;
- refusing to work or co-operate with others; or
- interference with or vandalizing personal property.

## **What is Not Harassment**

This harassment policy does not extend or apply to day-to-day management or supervisory decisions involving work assignments, job assessment and evaluation, workplace inspections, implementation of appropriate dress codes and disciplinary action. These actions are not harassment, even if they sometimes involve unpleasant consequences. Managerial actions must be carried out in a manner that is reasonable and not abusive.

The policy also does not extend to harassment that arises out of circumstances unrelated to the worker's employment. For example, harassment is not covered if it occurs during a social gathering of co-workers that is not sponsored by the employer. However, harassment that occurs while attending a conference or training session at the request of the employer is covered.

Other situations that do not constitute harassment include:

- physical contact necessary for the performance of the work using accepted industry standards;
- conduct which all parties agree is inoffensive or welcome; or
- conflict or disagreements in the workplace, where the conflict or disagreement is not based on one of the prohibited grounds.

Harassment can exist even where there is no intention to harass or offend another. Every person must take care to ensure his or her conduct is not offensive to another.

## Employer's Commitment

Employer's Name and its managers and supervisors will take all complaints of harassment seriously. We are committed to implementing this policy and to ensuring it is effective in preventing and stopping harassment, as well as creating a productive and respectful workplace.

This commitment includes:

Informing all persons in the workplace of their rights and obligations

- A copy of the harassment policy will be provided to all workers.
- A copy of the harassment policy will be posted on the company bulletin board.
- The company's policy statement on harassment will be posted in each work area in a location that is visible to all staff and the public.

Training all persons in implementing the harassment policy

- An information meeting will be held with all staff to answer questions about the policy.
- Supervisors will review the policy with new workers as part of their orientation.
- People designated to receive, investigate or resolve complaints will be trained in their roles and responsibilities.
- All Employer's Name managers, directors, officers, and supervisors are expected to set a good example and help foster a respectful workplace.

Assigning responsibility for implementing this policy

- Employer's Name will designate all supervisors authorized to take corrective action in accordance with this policy.

Protecting workers trying to prevent or stop harassment

- Harassment complaints and investigations will be held in the strictest of confidence except where disclosure is necessary to investigate the complaint, take corrective action or required by law.
- Action will be taken to prevent reprisal against people who make a harassment complaint in good faith, which may mean informing complainants and alleged harasser(s) of this commitment.

Promptly taking action necessary to stop and prevent harassment

- Appropriate action, sufficient to ensure the harassment stops and does not happen again, will be taken against people who are or were engaged in, or participated, in harassment.
- When necessary, customers, contractors or other visitors will be informed certain conduct will not be tolerated.

Ensuring the policy remains current

- The effectiveness of the policy will be reviewed in consultation with the JOHSC or Safety representative every number years.

## Employee's Duty

All workers, including managers and supervisors employed by Employer's Name shall refrain from causing or participating in the harassment of another worker, and cooperate with any person investigating harassment complaints.

## Third-party Harassers

This policy covers harassment connected to any matter or circumstance arising out of the worker's employment. Customers, clients, patients, contractors or their workers and others invited to the workplace could harass an employee.

Employer's Name may have limited ability to investigate or control their conduct. However, Employer's Name shall take reasonably practicable action to stop or reduce the risk to its workers of being harassed by third parties.

This action may include:

- posting the harassment policy in a location visible to third parties;
- requiring certain contractors and their workers to accept and meet the terms of the harassment policy; and
- removing workers who participate in harassment.

Where a client or customer has been asked to stop abusing or harassing a worker and does not, workers are authorized to:

- end telephone conversations;
- politely decline service; and
- ask the customer or client to leave the workplace.

## Malicious Complaints

Where an investigation finds a complainant has knowingly made a false allegation, the complainant will be subject to appropriate discipline.

## Other Options for Complainants

Nothing in this policy prevents or discourages a worker from referring a harassment complaint to the Workers' Safety and Compensation Commission.

A worker may also file a complaint with the Human Rights Commission under the *Human Rights Act*.

A worker also retains the right to exercise any other legal avenues available.

## APPENDIX B - COMPLAINT PROCEDURE

This sets out three types of complaint procedures that may be used following instances of harassment.

### 1 No Alleged harasser(s) Named and Informal Resolution Sought

**Step 1:** An individual reports an incident or concern.

**Step 2:** The person receiving the complaint reviews the procedures with the complainant and informs the supervisor.

**Step 3:** The supervisor takes action to address the complaint.

Such action may include:

- having staff meetings to discuss and review the policy; or
- providing workshops or resource materials on the prevention of harassment such as videos, brochures and guides.

The supervisor informs the complainant of the action that will be taken to address the concern.

**Confidentiality:** Employer's Name, or anyone acting on behalf of the company, should not disclose the complainant's name or other identifying information to any person. However, in certain circumstances, the complainant may agree to release identifying information to implement the harassment policy, the resolution process or the resolution itself.

### 2 Alleged harasser(s) Named - Informal Resolution Sought

**Step 1:** An individual reports an incident or concern.

Where an informal resolution is sought, the complainant should indicate the type of resolution sought such as supervisory counselling, a facilitated meeting with the alleged harasser(s), workshops or training sessions and mediation.

**Step 2:** The person receiving the complaint reviews the procedures with the complainant and informs the supervisor. Where it is alleged the supervisor is involved in the harassment, the person receiving the complaint refers the matter to another manager. The person receiving the complaint will also meet privately with the alleged harasser(s) to review the complaint and determine whether there is agreement on a resolution or resolution process.

**Step 3:** Where there is agreement on the resolution or resolution process, the person receiving the complaint informs the supervisor of the agreement and facilitates the agreed upon resolution or process.

**Step 4:** The complainant is informed a formal complaint procedure is possible if the complainant, the alleged harasser(s) or the supervisor do not agree or if the process does not resolve the matter to the complainant's satisfaction.

**Step 5:** Where the complainant and alleged harasser(s) agree to a resolution, the supervisor follows up with the complainant to ensure the resolution was effective in stopping and preventing further harassment. Where the complainant indicates the harassment has not ended, the supervisor counsels the complainant to pursue an alternate resolution process, including a formal investigation.

**Confidentiality:** Employer's Name, or anyone acting on behalf of the company, should not disclose the complainant's or alleged harasser(s)'s name or other identifying information. In certain circumstances, the complainant and alleged harasser(s) may agree to release identifying information to implement the harassment policy, the resolution process, or the resolution itself.

### 3 Alleged harasser(s) Named – Making a Formal Complaint

**Step 1:** An individual reports an incident or concern. The complaint must be in writing and contain:

- the name, job title and contact information of the complainant;
- the name of the alleged harasser(s) and job title(s);
- description of the conduct considered objectionable, including dates and locations of events;
- the names and contact information of any possible witnesses;
- description of the basis of the alleged harassment, such as the prohibited grounds;
- the remedy sought;
- any other information or material the complainant considered relevant; and
- the signature of the complainant and the date.

**Step 2:** The supervisor reviews the procedures with the complainant and provides a written copy to Human Resources. Where it is alleged that the supervisor is involved in the harassment, the complaint is referred to another supervisor. The supervisor also provides a copy of the written complaint to the alleged harasser(s) and reviews the procedures with the alleged harasser(s).

**Step 3:** The supervisor and other relevant parties such as human resource managers, review the complaint and determine whether conduct falls within the harassment policy. The group will decide whether there are appropriate resolution options, other than an investigation, acceptable to the complainant and the alleged harasser(s). This group will conduct the investigation.

**Step 4:** When an investigation is required, the supervisor appoints an investigator or investigation team.

Investigators will be trained in conducting an investigation in accordance with this policy and will have no apparent bias or interest in the outcome. Alternatively, the investigator will be chosen from a list of investigators approved by Employer's Name, the union, the JOHSC co-chair or the Safety representative.

Where the complainant and the alleged harasser(s) objects to the appointment of an investigator, on the basis of bias or conflict of interest, the supervisor will appoint another investigator.

**Step 5:** Investigators must act in accordance with the following guidelines:

- The investigation commences and concludes as soon as reasonably possible.
- Witnesses are interviewed separately and written witness statements provided.
- Witnesses are asked to sign their written statements.
- Witnesses are advised to keep the investigation and the identity of the complainant and alleged harasser(s) in confidence, unless required by law to disclose them.
- The complainant and alleged harasser(s) are entitled to legal or union representation.
- During the investigation, both the complainant and the alleged harasser(s) are entitled to be informed of all the allegations and allowed to respond.

This does not mean either party is entitled to see or receive copies of the complete statements. However, both are entitled to see or receive an adequate summary of the evidence to make a full response.

**Step 6:** Once the investigation is complete, investigators will prepare a written report setting out a summary of the evidence, a description of any conflict in the evidence, conclusions and reasons for reaching those conclusions, as well as the recommended corrective action.

The report will be delivered to the supervisor, the complainant and the alleged harasser(s). The report is marked confidential and delivered with the notation that it should be kept in confidence unless disclosure is required by law or is necessary to implement corrective action.

**Step 7:** The supervisor will:

- Take appropriate corrective action.
- Inform the complainant and harasser of the corrective action.
- Inform the complainant of the rights to file a complaint with other agencies.

Note: Where the corrective action is different from the action recommended in the report, the supervisor should provide reasons for not taking the investigators' recommended action.

**Step 8:** After corrective action has been taken, the supervisor follows up with the complainant to ensure that the corrective action was effective. If the complainant indicates harassment has not ended, or suffers reprisal, the supervisor must take additional or alternative corrective action. Further investigation may be necessary.

**Confidentiality:** Employer's Name, or anyone acting on behalf of the company, should not disclose the name of the complainant or the alleged harasser(s), nor any information that may identify them. The disclosure of such information may be necessary to conduct the investigation, implement corrective action or pursue other legal remedies.

All documents and statements obtained during the course of the investigation, including the names and copies of witness statements, should not be disclosed to any person unless required by law.

## APPENDIX C - TAKING ACTION TO STOP AND PREVENT HARASSMENT

In taking action to stop harassment and prevent its reoccurrence, *Employer's Name* will be guided by the following:

- **Individual Awareness and Counselling**

- People may not be aware of the effects of their behaviour. In many cases, speaking to the person in private about the inappropriate behaviour will help resolve a situation. In certain instances, it may be more effective for a supervisor to speak with the offending person or to arrange and facilitate a meeting between the complainant and alleged harasser(s).

Complainants should not be encouraged to confront the alleged harasser(s) if they are reluctant, if the alleged harassment is of a serious nature or if the alleged harasser(s) denies the alleged conduct.

- **Staff Awareness and Counselling**

- Standards of behaviour change over the years. Some individuals or groups may not be aware behaviour that was acceptable in the past, is not acceptable anymore. A staff awareness session may be helpful to correct problems based on lack of awareness. Relevant videos, lectures and facilitated group discussions may increase awareness of behaviours that are unacceptable and the reasons for the changes.

- **Interim Action**

- A supervisor may have grounds to believe a complainant will be exposed to continued harassment or reprisal while waiting for the investigation or resolution process to occur. The supervisor must take immediate action to protect the worker from continued harassment or reprisal. Any interim action should respect the alleged harasser(s)'s rights based on the employment contract or collective bargaining agreement.

Considering the above-mentioned rights, the supervisor's action may include:

- cautioning the alleged harasser(s) about the types of behaviour that will not be tolerated;
- moving the alleged harasser(s) to another work unit;
- moving the complainant to another work unit at the complainant's request; and
- suspending the alleged harasser(s) with pay while waiting for the results of the investigation.



- **Mediation**

- Mediation offers both parties the opportunity to develop an understanding of the problem and resolve the complaint before or during the formal investigation process. The mediator facilitates separate discussions or joint meetings between the complainant and the alleged harasser(s).

Mediation may take place at any point in the resolution process as long as both parties agree to participate. Where the complainant and alleged harasser(s) agree to participate in mediation, Employer's Name shall arrange for a mediator, who is trained and independent.

- **Disciplinary Action**

- An employee who has knowingly engaged or participated in the harassment of a co-worker will be disciplined. The discipline will be subject to the employee's rights under the employment contract or collective bargaining agreement.

Discipline may include reprimand, relocation, demotion, suspension or termination of employment. The severity of discipline will depend on:

- Seriousness of the Conduct
  - whether the conduct is an offence under the Criminal Code;
  - the extent of the mental or physical injury caused to the complainant;
  - whether the harasser persisted in behaviour that was known to be offensive to the complainant; or
  - whether the harasser abused a position of authority.
- Risk of the Harasser Continuing with Similar Harassment of the Complainant or Others
  - whether the harasser acknowledges that conduct was unacceptable and makes a commitment to refrain from future harassment;
  - whether the harasser has apologized to the complainant or taken action to repair any harm; or
  - whether the harasser has agreed to participate in awareness sessions, training or other recommended counselling or treatment.

# APPENDIX D - EMPLOYER FORMAL HARASSMENT COMPLAINT FORM

## Complainant Information

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Work Unit: \_\_\_\_\_ Job Title: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

## Witness Information

List names of possible witnesses.

Name	Position	Contact Phone

## Information about the Alleged Harassment:

Name of person(s) against whom this complaint is made :

Does this complaint regard:

a) Repeated incidents that have caused you to be humiliated or intimidated.

Yes

No

Date of incidents (dd/mm/yyyy): \_\_\_\_\_  
(dd/mm/yyyy): \_\_\_\_\_  
(dd/mm/yyyy): \_\_\_\_\_  
(dd/mm/yyyy): \_\_\_\_\_

OR

b) A single serious incident that has had a lasting harmful effect on you.

Yes

No

Date of incident (dd/mm/yyyy): \_\_\_\_\_

In your opinion is the harassment based on any of the following? Check the boxes that apply to your situation.

<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender Identity
<input type="checkbox"/> Nationality	<input type="checkbox"/> Family Status	<input type="checkbox"/> Age
<input type="checkbox"/> Place of Origin	<input type="checkbox"/> Colour	<input type="checkbox"/> Creed
<input type="checkbox"/> Physical Weight or Height	<input type="checkbox"/> Ancestry	<input type="checkbox"/> Race
<input type="checkbox"/> Marital Status	<input type="checkbox"/> Sex	<input type="checkbox"/> Performance
<input type="checkbox"/> Religion	<input type="checkbox"/> Gender	
<input type="checkbox"/> Other:		

In your own words, describe the conduct, comments or display you found unacceptable. Give details of date and location of the incident(s) that is/are the basis of your complaint.

## Declaration

I hereby confirm the statement(s) contained in this complaint are true to the best of my knowledge. I understand a copy of this complaint will be provided to the alleged harasser(s) for the purpose of investigating this complaint.

Signature: \_\_\_\_\_ date (dd/mm/yy): \_\_\_\_\_

I acknowledge receipt of this complaint.

Supervisor's Signature: \_\_\_\_\_ date (dd/mm/yy): \_\_\_\_\_

## APPENDIX E – SAMPLE INVESTIGATION TEMPLATE

**This template may be used for guidance in investigating workplace harassment incidents or complaints.** It may not be appropriate for complex workplace harassment investigations. The person conducting the investigation must not have been involved in the incident or complaint of workplace harassment and must not be under the direct control of the alleged harasser(s).

Name of investigator(s):

Date of investigation (dd/mm/yyyy): \_\_\_\_\_

**A. Background Information:** Who are the people involved? Are they workers as defined by the *Acts*? Who reported and when? Attach more pages if necessary

1. Name of person who reported workplace harassment:

2. If not the same person as above, name of person who allegedly experienced workplace harassment:

3. Date complaint/concern raised and how:

4. Name of worker(s) (reporting or possibly exposed to workplace harassment):

Position/Department:

5. Name of alleged harasser(s)

Position/ Department: If not a worker – provide details:

**B. Investigation Plan:** Plan and conduct the investigation (Attach more pages if necessary):

- 1 Obtain the worker(s) concerns of harassment in writing, if possible. Assistance should be provided in completing the form where necessary.
- 2 An investigator needs to interview the complainant and the alleged harasser(s) (if a worker of the employer). If the alleged harasser(s) is not a worker of the employer, the investigator should make reasonable efforts to interview them.
- 3 Make a list of possible relevant witnesses. The complainant and the alleged harasser(s) should be asked for names of any relevant witnesses.
- 4 Interview relevant witnesses. Ask specific questions about what they have observed, are aware of or have personally experienced. If the witnesses are not workers of the employer, the investigator should make reasonable efforts to interview those witnesses.
- 5 Collect and review relevant documents from the worker, alleged harasser(s), witnesses and the employer.
- 6 Take detailed notes.
- 7 Keep the investigation confidential. Instruct the complainant, the alleged harasser(s) and witnesses not to talk to others about the investigation unless it is necessary, for instance, to obtain advice or counselling.

**C. Investigator Notes**

(When did the incident(s) occur? Confirm date of first incident and any subsequent behaviours or conduct.) Note that recalling events of harassment can be stressful for the complainant. Attach more pages if necessary.

Date of first incident:

Date of last incident:

Date of other incident(s):

**D. Alleged Harasser(s) Response:**

The alleged harasser(s) will likely need details of the allegation of harassment to be able to respond. Attach more pages if necessary

**E. Interview Relevant Witnesses**

List witnesses. Interview relevant witnesses and make notes. Attach more pages if necessary.

**F. Collected documentation**

List the documents collected for the investigation and how or from whom they were obtained. Attach more pages if necessary.

**G. Investigation Result(s)**

The investigator's summary report should set out who was interviewed, what evidence was obtained and an analysis of the evidence to determine whether workplace harassment occurred. Attach more pages if necessary.

**Summary of key evidence:**

**Recommended Next Steps:**

Immediate Corrective Actions:

Short Term Corrective Actions:

Long Term Corrective Actions:

**Investigator(s) Signature(s):** \_\_\_\_\_

**Report provided to:** \_\_\_\_\_

**Date (dd/mm/yyyy):** \_\_\_\_\_

# Harassment

Workers' Safety and Compensation Commission  
Northwest Territories and Nunavut

WSCC Emergency Reporting  
24-hour Incident Reporting Line

**1 800 661-0792**

**WSCC**



If you would like this Code of Practice in another language, please contact us.