**Workplace Harassment**

Workplace harassment can occur in any environment and in some cases, lead to violence. All employers are required to protect their workers by implementing a workplace harassment policy and program.

**Requirement**

Policy

* Written and posted
* Signed and reviewed annually

Program

* Program Incident reporting procedure
* Investigation procedure Training
* Annual review (with input from the H&S Rep)

**Definition**

The Occupational Health and Safety Act defines workplace harassment as:

* Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
* Workplace sexual harassment.

Sexual harassment means

* Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome
* Refer to the Resource Investigating Incidents of Workplace Violence and Harassment for examples of what would be considered workplace harassment and what would not.

**Policy**

Your workplace harassment policy should:

* show your commitment to addressing workplace harassment;
* consider workplace harassment from all sources such as, customers, clients, supervisors, workers, strangers and domestic/intimate partners and also you, the employer
* outline the roles and responsibilities of the workplace parties in supporting the policy and program;
* encourage workers to bring forward concerns or information about workplace harassment; and
* be dated and signed by the highest level of management of the employer or at the workplace as appropriate (examples may include the President, General Manager, and you the Owner/Employer)

You must review the workplace violence policy annually and post it in a location that is accessible to employees. Your workplace violence and harassment policies may be rolled into your overall health and safety policy statement.

**Program**

The workplace harassment program outlines the process for reporting and investigating incidents and training workers. Under the OHSA, a risk assessment is not required for workplace harassment.

**Incident Reporting**

Workers are encouraged to report incidents of harassment that they experience or witness so you will have to establish the incident reporting process. It should include:

* who to report the incident to;
* how to report the incident;
* and any documentation that is required.

If the alleged harasser is the employer or supervisor, another contact will have to be available (this could be someone internal or external to the company).

**Incident Investigation**

When developing your harassment policy it is important to identify the process for investigating complaints so it is clearly understood should an incident arise. The investigator identified in the process needs to be a person who can maintain objectivity no matter who is named in the harassment complaint.

The investigation process must include:

* identification/selection of a qualified investigator
* communication with the complainant and the accused
* timelines for completing the investigation
* written report of the investigation outcomes, to be shared with the complainant

**Training**

All workers need to be trained on the harassment policy. It is important they know what is expected of them to maintain a respectful workplace. The training should include specific examples of harassment and behaviour that will not be tolerated in the workplace. The goal is for everyone to recognize inappropriate behaviour and take action to stop it.

Also, this is the time to inform employees how they can report behaviour or language that makes them uncomfortable. They need to understand there is a process for reporting harassment complaints and investigating incidents. You should convey that the process is intended to be objective, timely and confidential but some information may need to be shared with other parties, as appropriate.

Workplace harassment training should be a part of the orientation program. It is good practice to provide refresher training (such as a tool-box talk) annually, to reinforce the policy and review key points for reporting and investigating incidents.