Client Instructions

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Respect in the Workplace

[Company Name] (“[Insert Short Name]” or the “Company”) recognizes the dignity and worth of every employee, and to that end believes in providing and maintaining a work environment in which all employees are free from workplace violence, bullying, harassment, and discrimination. This policy applies to all employees and covers all forms of violence, bullying, and harassment and all forms of discrimination prohibited under applicable human rights legislation.

**Definitions**

“**Workplace**” means any place where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions (social events, golf games, etc.), work assignments outside [Company Short Name]’s office, work-related travel, and work-related conferences or training sessions.

**“Violence” means:**

1. The exercise of physical force by a person against a worker, in the workplace, that causes or could cause physical injury to the worker;
2. An attempt to exercise physical force against a worker, in the workplace, that could cause physical injury to the worker; and/or
3. A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in the workplace, that could cause physical injury to the worker.

Please note that this definition of violence also includes acts or threats of domestic violence against an employee that may create a risk of danger to the employee or others in the workplace.

**“Discrimination”** means the differential treatment of an individual on the basis of age, disability, family/marital/civil status, race or colour, religion/creed, sex/gender, sexual orientation, national/ethnic origin, gender identity and gender expression, or any other factor that is legislatively protected within the province where the employee works (“Prohibited Grounds”).

“[*Note to Client: Please ensure that ‘bullying is included if you operate in BC*] **Bullying and Harassment**” means engaging in a course of vexatious or inappropriate comments or conduct that is known, or ought reasonably be known, to be unwelcome. It may include unwelcome, unwanted, offensive, humiliating, or objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work environment; interfering with an individual’s work performance; adversely affecting an individual’s employment relationship; and/or denying an individual’s dignity and respect. Harassment may result from one incident or a series of incidents. It may be directed at specific individuals or groups.

Examples of bullying, harassment, and discriminatory conduct include, but are not limited to:

1. Humiliating an employee in front of co-workers, including initiation practices and hazing;
2. Verbal aggression or yelling directed at an employee;
3. Spreading malicious rumors about an employee to co-workers;
4. Subjecting an individual to unwelcome remarks or jokes;
5. Consistent subjection of an individual to practical jokes or ridicule;
6. The making of any work-related decision (including matters of hiring, promoting, compensating, work assignments, evaluations, training or job security) not on the basis of merit, but on the basis of any of the Prohibited Grounds;
7. Comments which are intended, or that ought reasonably be known, to promote stereotyping on any of the Prohibited Grounds;
8. Jokes or comments which draw attention, for example, to a person’s disability, age, ethnic, racial, or religious background or affiliation or which draw attention to a person’s gender or sexual orientation with the effect of undermining such person’s role in a professional or business environment or that by their nature are known or ought reasonably be known to be embarrassing or offensive; and
9. Derogatory remarks, verbal abuse or threats directed towards members of one gender or regarding one’s sexual orientation or with respect to a person’s or group’s ethnic, racial or religious background or affiliation.

Harassment includes “**Sexual Harassment**” which means:

1. 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; or
2. Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Types of unwelcome conduct of a sexual nature which may constitute **Sexual Harassment** include but are not limited to:

1. Propositions of physical intimacy;
2. Bragging about sexual prowess;
3. Leering or inappropriate staring;
4. Sexually degrading words or displays of suggestive pictures;
5. Inquiries or comments about a person’s sex life or sexual behaviour; and
6. Sexual jokes or stories causing embarrassment or offence, that are told or carried out after the person telling the story or joke has been advised that they are embarrassing or offensive or that by their very nature are known or ought reasonably be known to be embarrassing or offensive.

[*Note to Client: Please include if you operate in Quebec*] Harassment also includes “**Psychological Harassment**” which means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions, or gestures, that affects an employee’s dignity or psychological or physical integrity and that results in a harmful work environment for the employee. For greater clarity, psychological harassment includes such behavior in the form of such verbal comments, actions, or gestures of a sexual nature.

**Policy Statement**

All employees in the workplace have a right to work in an environment free from violence, bullying, harassment, and discrimination. In order to accomplish the Company’s goal of promoting a violence, bully, harassment, and discrimination free environment, the Company hereby establishes the following guidelines:

1. The Company will not tolerate violent, bullying, harassing, or discriminatory behaviour from employees, non-employees (i.e. contractors, consultants, co-op students, agency employees, interns and volunteers), [clients/customers], visitors, guests, or any others that attend at the workplace; and
2. Every employee, non-employee (i.e. contractors, consultants, co-op students, agency employees, interns and volunteers), [client/customer], or visitor conducting affairs at the Company’s workplace shall be made aware of this policy, and the Company shall make every attempt to communicate its commitment to a violence, bullying, harassment, and discrimination free workplace.

Retaliation or reprisals are prohibited against any individual who has complained under this policy or has provided information regarding a complaint. Any retaliation or reprisals are subject to immediate corrective action, up to and including termination for cause. Alleged retaliation or reprisals are subject to the same complaint procedures and penalties as complaints of violence, bullying, harassment, and discrimination.

[Company Short Name] recognizes that individuals may find it difficult to come forward with a complaint under this policy because of concerns of confidentiality. Therefore, all complaints concerning workplace violence, bullying, harassment, or discrimination, as well as the names of parties involved, shall be treated as confidential to the furthest extent possible in law. [Company Short Name]’s obligation to conduct an investigation into the alleged complaint may require limited disclosure. As it pertains to violence, where the Company believes there to be imminent danger to an employee, it may divulge such confidential information as is reasonably necessary. No record of the complaint will be maintained on the personnel file of the complainant. At the conclusion of each complaint process, all related documentation will be maintained for safe-keeping in a confidential manner by the Human Resources Department in the related “Respect in The Workplace” file.

**Responsibilities**

Each and every employee is responsible for creating and maintaining a violence, harassment, and discrimination free workplace. All employees are requested to report promptly when they become aware of alleged actions or complaints of violence, discrimination, or harassment. This includes a responsibility for employees to report any alleged actions or complaints of domestic violence that occur outside the workplace and that may create a risk of danger to themselves or others in the workplace. Managers are responsible for providing a workplace that is free from violence, harassment, and discrimination. This responsibility includes actively promoting a positive work environment and intervening when problems occur.

*[Note to the Client: If you operate in Quebec, all employers need someone specifically designated to handle the psychological harassment policy and to receive and handle such complaints.*]

The employer will designate a person who will be responsible for the application of this policy and receive formal complaints as provided below, if applicable. The name of this person will be communicated to employees.

**Complaint Procedure**

**Step 1 – Self-help**

Employees are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the unwelcome conduct. Where employees feel comfortable in doing so, communicate disapproval in clear terms to the person(s) whose conduct or comments are offensive. Keep a written record of the date, time, details of the conduct, and witnesses, if any.

If there is an incident or imminent danger of workplace violence occurs or a threat of violence is made, immediately notify 9-1-1 for the police.

**Step 2 – Management Support and Intervention**

Employees who are not comfortable with step one (1) and who believe they are victims of violence, bullying, harassment, or discrimination, or become aware of situations where such conduct may be occurring, are encouraged to seek advice from and report these matters to their Manager or his/her designate.

In the event the complaint relates to the Manager or his/her designate, the employee may report the complaint to a member of senior management.

**Step 3 – Formal Complaint**

If informal attempts at resolving the issue are not appropriate, or proving to be ineffective, a formal complaint may be filed. To file a formal complaint:

1. Provide a letter of complaint that contains a brief account of the offensive incident (i.e. when it occurred, the persons involved, names of witnesses, if any). The letter shall also include the remedy sought and be signed and dated by the person complaining;
2. File the complaint with your Manager or a member of the senior management team or his/her designate; and *[Note to the Client: If you operate in Quebec all employers need someone specifically designated to handle the psychological harassment policy and to receive and handle such complaints.*]
3. Cooperate with those responsible for investigating the complaint.

Formal complaints shall be investigated. The investigation process shall involve interviews of the complainant, the respondent, and any witnesses named by either. A follow up to the investigation shall also be included in this process. Depending on the circumstances, the Company reserves the right in its sole and exclusive discretion to suspend the respondent with or without pay during the course of the investigation. Generally, within fifteen (15) business days of the incident or notice thereof, the individual charged with the investigation shall investigate the incident and may prepare a written report of the investigation findings. The report, if prepared, shall be provided along with recommendations, if any, to your Manager or a member of the senior management team or his/her designate for action. The complainant and the respondent (if he or she is an employee of the Company) shall be informed in writing of the results of a harassment investigation and of corrective action that has been taken or will be taken as a result of the investigation, if required by the applicable provincial legislation.

Disciplinary action for violations of this policy will take into consideration the nature and impact of the violations, and may include a written reprimand, a suspension (paid or unpaid), or termination of employment for cause as determined by the [Company Short Name]. Similarly, deliberate false accusations are of equally serious nature and will also result in disciplinary action up to and including termination of employment for cause. Note, however, that an unproven allegation does not mean that the conduct did not occur or that there was a deliberate false allegation. It may simply mean that there was an insufficient evidentiary basis to proceed.

For greater clarity, if the alleged respondent is a member of the senior management team, you should register your formal complaint with your manager or another member of the senior management team. Further, any respondent(s), regardless of their position within the company, will be excluded from administering and managing the investigation and resolution process (save and except for their involvement as a respondent).

**Complaints Against Third Parties**

[Company Short Name] recognizes that an employee may be subject to violence, bullying, harassment, or discrimination by [clients / customers] or by others who conduct business with the Company. An employee who believes that he or she has been subjected to such conduct by a person who does not work for the Company may seek the advice of your Manager or a member of the senior management team or his/her designate who will take whatever action is appropriate in the circumstances.