



# Preventing and addressing workplace harassment and violence

A policy template for federally regulated  
employers

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# Introduction to this template

Discrimination, workplace harassment and violence can have profound and harmful impacts on the workplace. Being subjected to workplace harassment and violence can have significant and long-lasting psychological, emotional, and physical impacts on the individuals involved. It can negatively affect a person's dignity and their ability to earn a living, to feel safe and secure, and to meaningfully take part in society. For employers, this is both costly and harmful to the workplace. It can negatively affect productivity and morale and lead to increased turnover, absenteeism, and health care costs. Having effective policies in place for preventing and addressing workplace harassment and violence is not only a legal requirement, it makes good business sense and enhances workplace well-being.

When workplace harassment is linked to one or more of the prohibited grounds listed in the Canadian Human Rights Act (CHRA) it is a serious form of discrimination<sup>1</sup> and can create systemic barriers to equality in employment.

## Purpose of this template

This template has been designed to help federally regulated employers develop a policy for preventing and addressing workplace harassment and violence. It has been developed by the Canadian Human Rights Commission (CHRC) to help employers meet their obligations under the CHRA and the Canada Labour Code (the Code).

As part of an employer's obligations under the CHRA and other legislation, they are required to develop and implement a policy for preventing and addressing workplace harassment and violence. When a clear policy is in place, workers<sup>2</sup> may feel safer to speak up and report harassment or workplace violence. A clear policy helps ensure that incidents of harassment are more easily prevented and more effectively addressed. A well constructed and comprehensive policy can also help create a work environment that respects human rights and ensures that people in the organization understand their rights and responsibilities. This contributes to a healthier and more open workplace culture.

This policy template is also a resource for employers who are updating their existing policy to comply with the January 2021 legislative changes to the Code.<sup>3</sup> The template includes many of the mandatory procedures and processes under the Code and the [Work Place Harassment and Violence Prevention Regulations](#) (the Regulations) relating to harassment and violence prevention training, emergency procedures, workplace risk assessments, and the handling of complaints, among other things. Additional procedural guidance on meeting employer obligations under the Regulations can be found in the Government of Canada's [Sample](#)

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<sup>1</sup> [CHRA, s. 3](#).

<sup>2</sup> Worker – includes all full-time, part-time, casual, contract, permanent and temporary employees, including service employees in military and other public safety roles, as well as suppliers, trainees/cadets, student interns, volunteers, job applicants and candidates, and those on approved leave.

<sup>3</sup> [Canada Labour Code](#)

[harassment and violence prevention user guide](#) and [Sample harassment and violence prevention policy](#).

However, employers should also consult the CHRA, the Code and the Regulations, and any applicable collective agreement to ensure that they are meeting all of their legal responsibilities to address violence and harassment in the workplace.

The CHRC recommends that employers consult this template and its companion guide, entitled Preventing and addressing workplace harassment and violence: A guide for federally regulated employers.

# How to use this template

Before diving into developing a policy using the template, gather some key information first. Follow these steps to find out the kind of information needed to plug into the template as it is being developed. Placeholders are found throughout the template to show where to insert specific information from the organization.

**Step 1** – Determine who in the organization will be accountable for the policy’s effectiveness and responsible for making decisions related to this policy. This might be more than one person. Anyone designated to make decisions related to this policy should have training about harassment, violence, discrimination and related concepts. There are three roles identified in this policy template:

- a. **[Name and/or position A]** This role should be given to a senior manager who is familiar with the workings of the organization.
  
- b. **[Name and/or position B]** This role should be given to a dedicated human resources person or a manager familiar with the workings of the organization. This individual must also have knowledge, training, and experience regarding workplace violence and harassment and should be familiar with the relevant legislation. The Regulations refer to this role as the “designated recipient.”<sup>4</sup>
  
- c. **[Applicable partner]**<sup>5</sup> Depending on the size of the organization, this role will refer to one of the following committees or committee representative:
  1. the policy committee (for organizations with 300 or more workers);
  2. the workplace committee (for organizations with 20 - 299 workers);
  3. the health and safety representative (for employers with fewer than 20 workers).<sup>6</sup>

**Step 2** – Replace all **[name of organization]** placeholders with the name of the organization.

**Step 3** – Replace all **[name and/or position]** placeholders with the name and/or position title of each designated person for each role throughout the policy template.

**Step 4** – Replace all **[applicable partner]** placeholders with one of the following in accordance with the size of the organization, as outlined in Step 1(c) above: (1) the policy committee; (2) the workplace committee; or (3) the health and safety representative.

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<sup>4</sup> [Work Place Harassment and Violence Prevention Regulations \(Regulations\), s. 1\(1\)](#)

<sup>5</sup> [Regulations, s. 1\(2\)](#)

<sup>6</sup> [Sample harassment and violence prevention user guide – Delta Company](#)

**Step 5** – Read the entire template and add the relevant information into the remaining placeholders so that they fit the organization. Delete any placeholders that are not relevant to the organization.

**Step 6** – Publish the policy in an accessible format on the organization’s website and intranet site, as well as in any worker handbooks and material shared with external contractors.

**Step 7** – Review the policy on an annual basis, or as required, to see what, if any, changes or updates need to be made. Ensure that the policy remains an evolving document that is well tailored to the organization.

**Remember:** Developing a workplace harassment and violence prevention policy is the shared responsibility of the employer and the relevant health and safety committee or representatives (who are referred to as the “applicable partner.”) Employers must work with the applicable partner in developing the workplace harassment and violence prevention policy.<sup>7</sup> However, where the employer and the applicable partner are unable to agree on any part of the policy, the employer’s final decision prevails.<sup>8</sup>

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<sup>7</sup> [Regulations, s. 10\(1\)](#)

<sup>8</sup> [Regulations, s. 2](#)

## Policy template:

# [Name of organization] Policy for preventing and addressing workplace harassment and violence

## Part A: Commitments and application

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The policy should contain a statement of the organization's commitment to creating and maintaining respect for human rights and fostering equality and inclusion. This is separate from a purpose or policy objectives section.

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### 1. Statement of commitment

[Name of organization] is committed to creating and maintaining respect for human rights and fostering equality and inclusion.

[Name of organization] is committed to ensuring an environment free of workplace harassment and violence, where all individuals are treated with respect and dignity, can contribute fully and have equal opportunities.

[Name of organization] recognizes that workplace harassment and violence have serious consequences on workers and our organization. It can impact physical and mental health, workplace morale, productivity, and create systemic barriers to equality in employment.

### 2. Policy statement

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The policy statement should set out the objectives of the policy. It should clearly state that discrimination, harassment and violence are unacceptable practices and a violation of the law. The policy statement should also clearly indicate that discrimination is prohibited by the Canadian Human Rights Act, and it should refer to the employer's obligations under the Employment Equity Act and the Work Place Harassment and Violence Prevention Regulations.

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This policy is intended to make the work environment at [name of organization] inclusive, safe and non-discriminatory for everyone by setting out expectations and standards of conduct, and by ensuring we have a clear process in place for responding to complaints of discrimination, workplace harassment and violence.



All forms of discrimination, harassment and violence will not be tolerated, condoned or ignored. As outlined in the Canadian Human Rights Act (CHRA), every person has the right to live and work free from discrimination based on things like their race, their age, their gender identity or expression, or any of the grounds of discrimination outlined in the CHRA.<sup>9</sup>

All workers (defined below under Scope or application) are required to treat others with dignity, courtesy and respect. Those found to be in violation of this policy may be subject to disciplinary action, possibly even termination. To be in violation of this policy includes any worker who: interferes with the resolution of a complaint; retaliates against an individual for filing a complaint; or knowingly files an unfounded complaint intended to cause harm.

The rights of all workers at our organization are protected by the CHRA and the Employment Equity Act (EEA). In all areas of employment and the provision of goods and services, **[name of organization]** commits to acting in accordance and compliance with the CHRA, the EEA, the Canada Labour Code and the Work Place Harassment and Violence Prevention Regulations to ensure that individuals and groups are not disadvantaged or treated unfairly within our organization.

**[Name of organization]** is dedicated to creating a workplace culture that promotes equality, diversity, transparency, and respect for human rights. These values guide our proactive approach to preventing workplace harassment and violence, which includes:

- providing regular harassment and violence training to all workers;
- conducting confidential surveys among our workers on their perspective of equality, harassment and violence, and our workplace culture;
- assessing the risk of harassment and violence occurring in the workplace;
- implementing preventative measures to eliminate or reduce these risks; and
- developing additional policies and procedures as needed.

This policy also sets out a clear procedure for how workers can report harassment and violence and how managers and supervisors can deal with harassment and violence complaints fairly and promptly. Any worker who experiences or witnesses harassment or violence is encouraged to come forward and report the occurrence.

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<sup>9</sup> [CHRA, s. 3](#). Prohibited grounds of discrimination listed in s. 3 of the Canadian Human Rights Act are: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

### 3. Scope or application

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The CHRC recommends that the scope of the policy reflects the entire workforce, all of its functions and the full extent to which workers interact with the public, where appropriate.

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This policy applies to:

- All individuals at **[name of organization]** who are engaged in work, work-related activities or work-related relationships between themselves and **[name of organization]**. This includes full-time employees, part-time employees, casual assignments, contractors or consultants, permanent and temporary workers, board members, job applicants, suppliers, volunteers and those on approved leave, hereafter referred to as “workers”.
- All behaviour that is connected to work in some way and applies to workers both on **[name of organization]** property and outside of **[name of organization]** property. This includes conduct during off-site meetings, work-related functions, training, and business trips.
- All aspects of employment including recruitment, selection, conditions, benefits, training, promotion, task allocation, shifts, hours, leave arrangements, workload, equipment and transport.
- All aspects of the provision of goods and services, including how workers provide services to clients and how the workers interact with members of the public.
- All incidents of discrimination, workplace harassment and violence, including sexual harassment and sexual violence, family violence and third-party violence.

### 4. Key Concepts and Definitions

#### a. Definition of discrimination

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The CHRC recommends that the policy contain a section that defines key concepts, such as discrimination, in addition to workplace harassment and violence. It should also offer examples to clarify concepts and could provide definitions of related concepts or common forms of discrimination, such as racism, heterosexism, homophobia, etc.

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**Discrimination** is when someone treats another person or group unfairly based on personal traits like race, sex, or disability. These are called prohibited grounds of discrimination and they are listed in the CHRA.<sup>10</sup>

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<sup>10</sup> [CHRA, s. 3.](#)

Discrimination can be any action, behaviour or decision that results in the unfair or negative treatment of a person or group related to one, or any combination, of the prohibited grounds outlined in the CHRA.

Discrimination can be out in the open (direct). This discrimination is often based on negative attitudes and biases. A racist slur yelled at a co-worker is direct discrimination. So is an employer's policy not to hire individuals with specific personal traits that is not validly related to the job. A bank that refuses to hire women as managers is an example.

Discrimination can also be hidden (indirect). This is the most common kind of discrimination. Indirect discrimination happens when a rule or policy that does not cause a problem for most people has an unfair effect on a person or group that is related to their personal traits. An example of indirect discrimination is a rule that all workers must work Saturdays. A worker whose religion does not allow them to work on Saturday and is fired for not working that day is unfairly affected by this rule. This kind of discrimination is harder to pin down and can sometimes be explained away.

Discrimination may be intentional or unintentional.

Even if there are many factors affecting an action, conduct or decision, if discrimination is one factor, it is a violation of this policy.

## **b. Definition of harassment**

**Harassment** in any form has a harmful impact on a workplace. When it is linked to one or more of the prohibited grounds listed in the CHRA it is also a serious form of discrimination.<sup>11</sup>

Harassment creates systemic barriers to equality in employment. Employers must take steps to ensure their workplace is free from harassment. Where they fail to take appropriate steps to prevent, identify and address workplace harassment, employers can be held legally and financially responsible.

Harassment is when someone says or does something that offends or humiliates another person. Usually, the harasser must say or do these offensive things many times, but a serious one-time incident may also be harassment.<sup>12</sup> Harassment can be direct or indirect, obvious or subtle, physical or psychological. It can occur in many ways, such as through spoken words, text, gestures, and images.

Even if an individual did not harass someone on purpose (with intent), their behaviour can still be harassment. The question is whether a reasonable person would have known that the behaviour in question was unwelcome.

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<sup>11</sup> [CHRA, s. 14.](#)

<sup>12</sup> *Janzen v. Platy Enterprises Ltd.*, [1989] 1 S.C.R. 1252 at para 56 *Nielsen v. Nee Tah Indian Band*, 2019 CHRT 50 at para 116 and *Alizadeh-Ebadi v. Manitoba Telecom Services Inc.* 2017 CHRT 36, at para. 163

Both the CHRA and the Code protect workers in the workplace.

The CHRA prohibits harassment in employment and in the provision of services based on one or any combination of the 13 prohibited grounds of discrimination.

The Code also protects workers from harassment, including harassment that is **not** linked to a prohibited ground, such as domestic violence. The Code defines harassment and violence at subsection 122(1):

**Harassment and violence** means any action, conduct or comment, including of a sexual nature that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness [to a worker], including any prescribed action, conduct or comment.

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The CHRC recommends that the policy adopt the broadest possible definition of harassment that includes elements of the two definitions above. It is important that the definition is followed by a list of examples.

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Harassment can include, but is not limited to any of the following acts:

- creating a toxic work environment (e.g. tolerating hostile, insulting or degrading comments or conduct)
- spreading rumours or gossip about an individual or group
- making offensive jokes or remarks
- cyber bullying (threatening, spreading rumours or talking negatively about an individual online)
- threats made in person, by phone, email, or through another medium to a worker (including from individuals unassociated with the workplace, such as a spouse or family member, when the incident occurs during the course of work and/or affects the safety of the workplace)
- playing unwanted practical jokes
- socially excluding or isolating someone
- stalking or inappropriately following a person
- tampering with someone's work equipment or personal belongings
- vandalizing or hiding personal belongings or work equipment
- impeding a person's work in any deliberate way
- persistently criticizing, undermining, belittling, demeaning or ridiculing a person
- intruding on a person's privacy
- public ridicule or discipline
- unwelcome physical contact
- sexual innuendo or insinuation
- unwanted and inappropriate invitations or requests, including of a sexual nature
- displaying or sharing offensive posters, cartoons, images or other visuals

- making aggressive, threatening or rude gestures
- misusing authority, including:
  - constantly changing work guidelines
  - restricting information
  - setting impossible deadlines that lead to failure, and/or
  - blocking applications for leave, training or promoting in an arbitrary manner
- engaging in any of the actions, conduct and comments outlined above against a person when it is linked to one or more of the prohibited grounds listed in the CHRA is a serious form of discrimination<sup>13</sup>
- microaggressions, or subtle acts of exclusion.

**Microaggressions** are brief, indirect, and everyday slights, indignities, put-downs, and insults that communicate discriminatory attitudes towards members of equity-deserving groups. These can be behavioural, verbal, or environmental, and can be intentional or unintentional. Microaggressions can leave those subjected to them feeling uncomfortable, unwelcome, insulted, othered, and painfully reminded of stereotypes associated to their identities. Examples of racist microaggressions include, among many others, insistently asking a racialized person where they are really from, complimenting a racialized person on the quality of their English, or clutching one's bag tighter in the presence of a Black man. Sexist and/or gendered microaggressions can reinforce traditional gender roles in the workplace, including masculine privilege and dominance. These may come in the form of comments on a woman's appearance, demeaning comments about a woman's abilities, and assumptions of inferiority of women in certain fields. These are all examples that communicate hostile, derogatory, or negative attitudes towards women. While there may be no harm consciously intended, microaggressions nevertheless cause harm, and the harmful impact is cumulative as those affected experience these microaggressions frequently in their day-to-day lives.

**Important:** This policy is grounded in an understanding that if the person being harassed does not explicitly object to the behaviour, or appears to be going along with it, this does **not** mean that the behaviour is okay. The behaviour could still be considered harassment.

### **Final note**

Workplace harassment **does not include** appropriate management action (such as performance evaluations, directives and job assignments) if these are carried out in a fair manner and for legitimate reasons. However, management action that results in a negative impact, and which is made on the basis of a prohibited ground, can constitute harassment and/or discrimination. For example, it is a discriminatory practice if a person's race is a factor in a manager's decision to assign a less desirable task or shift to them.

### **c. Definition of sexual harassment**

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<sup>13</sup> [CHRA, s. 3.](#)

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The CHRC recommends that the broader definition of harassment be followed by a definition of sexual harassment.

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**Sexual harassment** is broadly defined as unwelcome conduct of a sexual nature that is likely to cause offence or humiliation to a worker. It is a demeaning practice that violates the dignity and self-respect of the victim, both as a worker and as a human being.

Sexual harassment can take many forms and may target any gender, including men, women, trans, non-binary and gender diverse individuals.

Examples of sexual harassment can include but are not limited to:

- unnecessary or unwanted physical contact
- persistent questions, insinuations or spreading gossip about a person's private life such as their sexuality, gender identity or expression or sex life
- insults or demeaning comments about one's gender or gender role
- staring at a person or parts of their body
- treating an individual differently because they do not conform to the gender role which one expects, such as a role that has been traditionally occupied by another gender
- repeated invitations to go out after prior refusal
- sexually explicit comments or gender-based jokes
- displaying or circulating offensive graphics, drawings, e-mails, text messages, letters, or comments
- making promises or threats in return for sexual favours
- the creation or perpetuation of a poisoned environment, where workers must tolerate or endure generalized sexual or gender-related ridicule as part of a workplace culture, and/or
- any other behaviour that could reasonably be thought to put sexual conditions on a person's job or employment opportunities.

#### **d. Definition of workplace violence**

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The CHRC also recommends that the policy include examples of workplace violence.

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**Workplace violence** includes actions, conduct, threats or gestures that can be reasonably expected to cause harm, injury or illness. Violence can include but is not limited to the following acts or attempted acts:

- verbal threats or intimidation
- verbal abuse, including swearing or shouting offensively at a person

- contact of a sexual nature
- kicking, spitting, punching, scratching, biting, squeezing, pinching, battering, hitting or wounding a person in any way
- attacking or threatening to attack someone with any type of weapon.

#### **e. Other definitions**

##### **Applicable partner:**

[fill in this section: depending on the size of the organization, the applicable partner is the policy committee, the workplace committee or the health and safety representative<sup>14</sup>]

##### **Occurrence:**

An alleged incident of harassment, sexual harassment or violence in the workplace.

##### **Principal party:**

The worker or employer who believes they are the object of workplace violence, harassment, or sexual harassment (an occurrence).

##### **Responding party:**

The person (or people) who is alleged to have engaged in workplace violence, harassment or sexual harassment and is named in a complaint.

## **5. Responsibilities and expectations**

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The CHRC recommends that the policy set out the roles and responsibilities of the various parties present in the organization, including:

- The applicable partner, as identified per the Work Place Harassment and Violence Prevention Regulations
- The designated recipient, as identified per the Work Place Harassment and Violence Prevention Regulations
- Managers and Supervisors
- Workers

It should also include the position titles and contact information of those who will be accountable for the policy's effectiveness and responsible for making decisions related to the policy. For the sake of clarity and accountability, the CHRC recommends that this section be as detailed as possible. We have provided sample language below that can be tailored to the organization.

In addition, the CHRC recommends that every employer review any additional requirements of the new regulations and build them into this section of the policy. Please see the Government of Canada's [Sample harassment and violence prevention user guide](#) and [Sample harassment and](#)

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<sup>14</sup> [Regulations s. 1\(2\)](#)

[violence prevention policy](#) that outline the roles of the employer, designated recipient, workers, and applicable partners.

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All persons present in the company are expected to uphold and abide by this policy, by refraining from all forms of discrimination, harassment or violence, and by cooperating fully in any investigation of a complaint.

**[Name of organization]** is responsible for ensuring that:

- all workers are provided with a discrimination, violence and harassment-free workplace;
- all steps are taken to prevent occurrences in the workplace;
- an impartial, fair and accessible complaint process is in place;
- the complaint process is respectful, confidential, unbiased, and timely;
- anyone responsible for dealing with these types of complaints undergoes training on identifying and dealing with workplace discrimination, harassment and violence, and on procedural fairness in complaint processes;
- appropriate action is taken as soon as a situation arises or is reported;
- the principal party is referred to the appropriate support services, and their physical and psychological safety (and that of any witnesses) is protected;
- appropriate corrective or disciplinary measures are imposed for a substantiated complaint;
- agreed-upon workplace actions or accommodations are implemented; and
- all appropriate follow-up is undertaken.

**[Name of organization]** and the **[applicable partner]** are together responsible for:

- promoting equality, diversity, and respect for human rights in the workplace;
- developing and regularly updating a workplace violence and harassment prevention policy and making it available to all workers;
- performing a workplace assessment to identify risks related to harassment and violence, and updating it annually;
- implementing prevention measures that respond to the risks identified;
- developing and communicating emergency procedures for cases where there is an immediate risk to a worker's health and safety;
- organizing training for management and workers on workplace harassment and violence;
- developing a list of qualified investigators; and
- determining which recommendations contained in a summary investigation report will be implemented.



Managers and supervisors are responsible for:

- fostering a work environment free from discrimination, violence and harassment, and setting an example about appropriate workplace behaviour;
- communicating the process for investigating and resolving complaints made by workers;
- acting immediately on observations or allegations of discrimination, violence or harassment, whether or not a complaint has been made;
- taking appropriate action during an investigation, including separating the principal party and responding party, when appropriate, and providing regular updates to both parties;
- ensuring that the principal party does not experience retaliation; and,
- ensuring that situations are dealt with in a respectful and confidential manner.

Workers are responsible for:

- treating others with respect in the workplace;
- refraining from engaging in any form of discrimination, violence or harassment;
- refraining from any form of retaliation against those involved in a complaint process, including principal parties and witnesses;
- reporting or speaking up against these behaviours, and reporting incidents to the appropriate designated person(s);
- familiarizing themselves and complying with this policy; and
- cooperating with an investigation and respecting the confidentiality of the process.

Workers can expect:

- to be treated with respect in the workplace, and have their rights respected;
- that reported discrimination, violence or harassment will be dealt with in a timely, confidential and procedurally fair manner;
- to be protected from retaliation for filing a complaint, for cooperating with an investigation or for claiming any rights or taking any steps under this policy; and
- that reported retaliation will be dealt with in a timely, confidential, procedurally fair, and expeditious manner.

# Part B: Training and prevention

## 6. Training on workplace harassment and violence

[Name of organization] and [applicable partner] will jointly develop the training.<sup>15</sup> It will be reviewed and updated every three years and following any changes to an element of the training.<sup>16</sup>

All workers, including management, will receive training on workplace harassment and violence within three months of being hired and at least once every three years thereafter, or more frequently if needed.<sup>17</sup>

### 6.1 Training for workers

Training on workplace harassment and violence will be tailored to [name of organization]'s workplace. It will cover:

- the content of this policy;
- [Name of Organization]'s obligations under the CHRA and the Canada Labour Code;
- the relationship between workplace harassment and violence and the prohibited grounds of discrimination set out in the CHRA;
- descriptions of harassment and violence and examples tailored to our workplace;
- how to recognize, prevent, and report workplace harassment and violence;
- special considerations relevant to sexual harassment, including sexual assault, such as abuse of authority and power imbalances;
- workers' rights and responsibilities if they experience, observe, or are aware of harassment or violence in the workplace, including bystander intervention;
- crisis prevention, personal safety, and de-escalation techniques; and,
- how to appropriately respond to various types of workplace harassment and violence.

### 6.2 Training for those handling harassment complaints

[Name and/or position A] and [name and/or position B] will receive training before beginning their roles under this policy.<sup>18</sup> In addition to the topics listed under 6.1, these individuals will receive training on:

- how to appropriately handle complaints;
- how to promptly bring complaints to senior management when necessary;
- how to deal with complaints alleging harassment or violence by someone in senior management; and

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<sup>15</sup> [Regulations s. 12\(1\)](#)

<sup>16</sup> [Regulations s. 12\(3\)](#)

<sup>17</sup> [Regulations s. 12\(4\)](#)

<sup>18</sup> [Regulations s. 12\(5\)](#)

- how to identify vulnerable workers (e.g. interns, new or young workers, those with low levels of English) and ensure that they understand their rights under this policy.

### 6.3 Leadership training

In addition to the topics listed under 6.1, managers and supervisors will receive training on:

- promoting equality, diversity, and respect for human rights in the workplace;
- appropriate steps for reporting and addressing workplace harassment and violence;
- dealing with incidents of workplace harassment or violence immediately upon becoming aware of them, whether or not a formal complaint has been made;
- ensuring that incidents of workplace harassment or violence are dealt with in a respectful and confidential manner;
- taking appropriate action during a harassment or violence investigation, including separating the parties to the complaint, when appropriate;
- ensuring that a worker who has filed a harassment or violence complaint does not experience retaliation;
- identifying vulnerable workers and understanding power imbalances and abuse of authority; and
- modelling acceptable behaviour and leading by example.

## 7. Workplace assessment

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The purpose of the workplace assessment is to identify risks related to discrimination, harassment and violence so that issues can be addressed proactively, and ultimately prevented altogether. The Regulations require that the risk assessment be updated every three years. However, the CHRC recommends that employers conduct assessments annually, if feasible.

The policy should contain a section describing risk factors that contribute to discrimination, harassment and violence, including those internal and external to the workplace. The CHRC recommends consulting the Government of Canada's [Sample workplace harassment and violence risk assessment tool](#).

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**[Name of organization]** will assess the workplace for risks related to discrimination, harassment, and violence so that issues can be addressed proactively. In particular, the assessment will consider whether there are patterns of behaviour among management or workers that fail to promote equality, diversity, and respect for human rights.

In addition, the risk assessment will consider factors contributing to workplace violence. These may include any of the following:

**[Select factors relevant to the organization or add other relevant factors not listed here]**

- performing work alone or in small numbers
- working with the public
- serving clients with a history of violence or mental health conditions
- handling, securing, or protecting money or other valuables
- providing protective services
- working in a high-stress environment
- working late nights or early mornings
- lack of workplace policies and procedures
- lack of awareness about what behaviour constitutes violence and harassment

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In addition, the CHRC recommends conducting an annual employment survey and regularly compiling and reviewing statistics on complaints as part of the workplace assessment. While not requirements under the Regulations, these are good practices that will enable the employer to meet its obligations under section 8 of the Regulations. Regularly surveying workers and conducting regular reviews of complaints data can:

- assist employers in regularly assessing workplace culture;
- render visible any unforeseen contributing factors; and
- address trends in complaints, such as recurring conduct.

This information could also be considered in any analysis or reporting on employment equity, equality and diversity in the workplace.

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## 7.1 Statistics and regular reviews

As part of the Workplace Assessment, **[name of organization]** will compile and review statistics on complaints within the organization. This information will protect people's identity to the best extent possible and be provided to the **[applicable partner]**. This information will include:

- the number of complaints and the prohibited ground of discrimination under the CHRA, if applicable;
- the total number of complaints concluded by early resolution and conciliation;
- the department, section or area where alleged occurrences took place, with totals for each location;
- the type of workplace relationship between the principal party and responding party; and
- the average number of weeks or months taken to address each complaint.

## 7.2 Identifying risks

As part of the Workplace Assessment, **[name of organization]** will identify risks related to harassment, violence and discrimination. The risk assessment must be reviewed every three years and updated as necessary. It will consider:

- efforts within the organization to promote equality, diversity, and respect for human rights;
- any possible pattern of complaints or grievances within a particular area, sector or department of the organization;
- signs of discriminatory attitudes and behaviour;
- negative or aggressive behaviour toward other staff including body language and tone;
- existence or tolerance of offensive language, hostile behaviour or other signs that harassment or violence is acceptable; and
- signs of inadequate prevention of workplace harassment or violence.

## 7.3 Surveying workers

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The Government of Canada's [Sample Policy](#) outlines a number of factors that can contribute to workplace harassment and violence, such as client characteristics, the physical work environment, work activity and culture.

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**[Name of organization]** will conduct an annual worker survey on equality, harassment, and workplace culture. The survey will be confidential, anonymous, and where possible, administered by a third party. The survey questions will be designed to obtain information about:

- the frequency, nature, and impact of discrimination, workplace harassment and violence;
- worker belief in access to equal opportunity and non-discriminatory treatment; and
- worker confidence that the policy protects victims and addresses discrimination, workplace harassment and violence.

This information will be provided to and reviewed by **[name and position]** and **[applicable partner]**.

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The CHRC notes that collecting this type of information may trigger fears in some workers that the information may be used to treat a person or group in a discriminatory way or lead to individuals being identified. It is important that these activities be undertaken in a transparent and consistent manner. The CHRC recommends that employers consult experts, individuals with lived experience and/or affected communities, advise all staff of why the information is being collected and its potential uses, employ the least intrusive means possible and take measures to protect privacy and confidentiality.

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## 8. Preventative measures

**[Name of Organization]** is responsible for the behaviour of its workers, managers, and supervisors while they are on duty. **[Name of organization]** will take all reasonable steps to prevent workplace harassment or violence, including acting quickly, effectively, and fairly to prevent and address risks or incidents of workplace harassment or violence.

**[Name of organization]** and the **[applicable partner]** will develop and implement preventative measures to eliminate or minimize the risks identified in the assessment. Preventative measures should be taken immediately following the workplace assessment and, in any event, within a maximum of **six months from the date the risk assessment is completed**.<sup>19</sup>

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Preventative measures will depend on the risks identified in the policy. They may include steps such as developing or updating policies and procedures, including the workplace code of conduct; providing further training; conducting workplace surveys, and referring individuals to support measures, such as a Worker Assistance Program.

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<sup>19</sup> [Regulations s. 9](#)

## Part C: Filing and addressing a complaint

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For additional guidance on complaint processes and conducting workplace investigations, see the CHRC's guides: Preventing and addressing Workplace Harassment and Violence - A guide for federally regulated employers; and Human rights based approach to workplace investigations – Guidance and good practices.

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### 9. Complaint process

#### 9.1 Reporting harassment or violence in the workplace

**[Name of organization]** recognizes that individuals who have experienced harassment or violence, and in particular, sexual harassment, may be reluctant to come forward. **[Name of organization]** is committed to maintaining a workplace free from harassment and violence in which workers feel as safe as possible in reporting their concerns.

A worker can report workplace harassment or violence by contacting **[name and/or position A]** or **[name and/or position B]**.<sup>20</sup> A worker can also report their concerns to an immediate supervisor, any person in management, or Human Resources. A worker who reports sexual harassment has the option of dealing with an employer representative of the same gender (wherever possible).

Workers can make a complaint of workplace harassment or violence verbally or in writing. They may have the assistance of a union representative or support person in preparing a written complaint or in communicating a verbal complaint. If the complaint is made verbally, the individual to whom the complaint is made will record the details provided by the worker. The worker should be prepared to provide details such as what happened, when it happened, where it happened, how often it occurred, and who else was present (if applicable). The worker should also be asked how they think the employer can remedy the alleged incident.

Under the Code and Regulations, there is no specific time limit for a current worker to submit a complaint of harassment or violence to their employer. However, a delay in making a complaint may affect **[name of organization]**'s ability to assess and investigate the alleged occurrence. Also, if the responding party no longer works for **[name of organization]**, **[name of organization]** is not required to investigate, but is required to conduct a review and update of its workplace assessment.

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<sup>20</sup> [Regulations s. 14](#)

Former workers generally have three months after the end of their employment to file a complaint of harassment or violence. Delays in filing may be acceptable in certain circumstances. As such, complaints should be made as soon as possible.

Those wishing to file a complaint with the CHRC (see section 14 of this Policy) must do so **within one year** of the last alleged occurrence of harassment.

## 9.2 Notifications and updates

**[Name and/or position B]** will contact the principal party within **five days** of receiving the complaint to:

- confirm that a complaint has been received;
- explain how this policy may be accessed;
- explain each step of the resolution process; and
- advise the principal party that they may be represented at any time during the resolution process.<sup>21</sup>

**[Name and/or position B]** will contact the responding party(s) in writing to let them know that the harassment or violence complaint has been filed. **[Name and/or position B]** will provide details of the allegations that have been made against them and will also explain:

- how the policy may be accessed;
- each step of the resolution process; and
- that the responding party may be represented at any time during the resolution process.<sup>22</sup>

After a harassment or violence complaint is received, **[name and/or position B]** will provide **monthly updates** on the status of the complaint to the principal party(s) and the responding party(s).<sup>23</sup>

## 9.3 Reprisals are prohibited

A reprisal is when an individual retaliates or threatens to retaliate against another individual because they have: filed a harassment or violence complaint; assisted someone in filing a complaint; is a witness in an investigation; or has otherwise tried to claim or enforce a right under this policy. Direct and indirect reprisals by and against any worker, including management, will not be tolerated.

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<sup>21</sup> [Regulations s. 20\(d\)](#)

<sup>22</sup> [Regulations s. 22\(d\)](#)

<sup>23</sup> [Regulations s. 34\(a\) and \(b\)](#)



For the purposes of this policy, some examples of reprisals include:

- treating a person with hostility
- excluding or isolating
- making negative remarks
- assigning demeaning duties
- engaging in discriminatory, harassing, or violent behaviour
- demoting, disciplining or dismissing a person because they exercised their rights or responsibilities under this policy

#### **9.4 Workers are allowed representation**

The principal party and the responding party (the parties) may have a union representative or support person assist them throughout every stage of the complaint and investigation process, including during any conciliation process (see section 9.6 “Conciliation”). A witness may also be accompanied by a support person during an interview as part of an investigation. However, this person should not be a representative of the employer (legal or otherwise).

#### **9.5 Early resolution of complaint**

Early resolution is an opportunity to resolve a dispute without requiring a more formal resolution process. It can involve a range of options, such as a meeting with the principal party, the responding party, and an employer representative. At this stage of the process, the principal party and employer will discuss what remedy the principal party is seeking through the complaint process.

An early or informal resolution of a complaint may not always be appropriate or possible. This will depend on how the principal party and the responding party would like the matter to be handled. It will also depend on the circumstances, including the nature and seriousness of the allegations. For example, if a worker was physically threatened or experienced serious sexual harassment, early or informal resolution may be inappropriate.

**[Name and/or position A]** or **[name and/or position B]** will work with the principal party and the responding party to determine whether an early resolution process is appropriate. **[Name of organization]** recognizes the importance of resolving workplace disputes quickly and will offer early resolution as soon as possible.

#### **9.6 Conciliation**

If an early resolution is not possible or appropriate or if it does not result in a full resolution of the dispute, the parties may be offered an opportunity to participate in a conciliation. Conciliation is a confidential process where a neutral individual assists the parties to resolve their dispute, without imposing an outcome. Conciliation only takes place if both parties agree to participate. Conciliation will not be appropriate in every circumstance, particularly where the complaint involves serious or systemic allegations. The facilitator will be an impartial person who is acceptable to the parties.

**[Name of organization]** recognizes the importance of resolving workplace disputes quickly and will arrange for conciliation where both parties agree to it and have agreed to a person to facilitate it. However, conciliation cannot be offered if an investigator has already submitted a report.<sup>24</sup>

## 9.7 Investigation

If early resolution (9.5) and conciliation (9.6) are inappropriate or do not fully resolve the issue, a harassment or violence investigation will be conducted.<sup>25</sup> **[Name and/or position B]** will contact the parties to notify them that an investigation will be carried out.

**[Name of organization]** will select an investigator from the list identified in collaboration with the **[applicable partner]**. Where there is no list, **[name of organization]**, the principal party, and the responding party will select an investigator together. Selection should occur as soon as possible but no later than 60 days after the parties receive notice of the investigation. If an investigator cannot be agreed upon, **[name of organization]** will select an investigator from among those whom the Canadian Centre for Occupational Health and Safety identifies as having the required knowledge, training and experience.<sup>26</sup>

The investigator will be impartial, trained in investigative techniques, and have relevant experience and knowledge, including but not limited to an understanding of human rights, discrimination, substantive equality, harassment, and violence.

The investigation will be conducted in accordance with the principles of procedural fairness, the CHRA, the Code, and any applicable collective agreement.

The investigator's role is to consider relevant information about the complaint (including information received from the parties and from other witnesses) and determine:

- What happened?
- Does it amount to harassment, violence, or discrimination within the meaning of the CHRA, the Code, a workplace policy and/or applicable collective agreement?
- If so, what are the recommended remedial measures?

As part of the investigation process, the investigator will interview both parties and ensure that the principal party has a chance to set out the allegations and that the responding party has an opportunity to know what they are and respond to them. The investigator will also interview other witnesses if necessary and review documentation and information relevant to the investigation.

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<sup>24</sup> [Regulations s. 24](#)

<sup>25</sup> [Regulations s. 25](#)

<sup>26</sup> [Regulations s. 27](#)

## 9.8 Investigation report and outcome

The investigator will prepare a final report. The report will not directly identify any witness or third party. In some instances, however, it may be possible to identify witnesses from the circumstances.

The final report must include a detailed description of the incident, the investigator's conclusions and recommendations to eliminate or minimize the risk of similar incidents reoccurring. This report must not disclose, directly or indirectly, the identity of any witness or third party.<sup>27</sup>

The investigation report will be provided to **[name and/or position A]**, the principal party, and the responding party.

**[Name and/or position A]** and the **[applicable partner]** will work together to determine which of the recommendations included in the investigator's report should be implemented.<sup>28</sup> **[Name of organization]** is responsible for implementing these recommendations as soon as possible to ensure that workplace harassment and violence is addressed quickly and effectively. At the latest, these recommendations will be implemented within **one year** after receiving the harassment or violence complaint.

## 9.9 Meaningful resolution

Developing both immediate and long-term remedial solutions is a crucial part of resolving a complaint. The impact of the complaint resolution process can be measured by how effective these solutions are in restoring the workplace and preventing similar incidents from occurring in the future. **[Name of organization]** is committed to restoring the workplace through appropriate remedial measures. Remedial measures will be shared with the parties to the extent possible.

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It is a good practice to ask the principal party early on what remedy they are seeking through the complaint process, and to check in with them at the various stages to understand their expectations. It is also a good practice to explain what remedies are possible and which are not. This may depend on the employer's specific work conditions, but no matter the case, the principal party should have a clear understanding of what remedies are available in the event the complaint is substantiated.

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<sup>27</sup> [Regulations s. 30.](#)

<sup>28</sup> [Regulations s. 31\(1\).](#)

### **9.10 Unsubstantiated complaints**

If an investigator finds that there is insufficient evidence to support an allegation of harassment or violence, the complaint will be considered unsubstantiated. Typically, this means that corrective and remedial action will not be required.

However, unsubstantiated complaints may reveal other sources of conflict which still require attention in the workplace. **[Name and/or position B]** will schedule follow up discussions with each of the parties and is responsible for leading efforts to facilitate the return to a healthy workplace.

### **9.11 Challenging the complaint process**

If either party believes that the complaint is not being handled in accordance with this policy, they should contact **[name and/or position A]**.

## Part D: Other procedures

### 10. External risks

An individual who believes that an external danger, such as family violence, could lead to third-party violence or harassment in the workplace should tell **[name and/or position B]** verbally or in writing. A worker can also report their concerns to an immediate supervisor or any person in management.

To minimize external risks, **[name of organization]** may take measures such as:

- speaking to a worker who may be experiencing violence outside of the workplace to identify solutions;
- relocating a worker's work station so that they cannot be seen from outside;
- removing a worker's contact information from public directories;
- alerting security or reception of the identity of an individual who may present a safety risk; and
- offering flexibility in scheduling to ensure a worker's safety.

### 11. Emergency procedures

If violence, sexual harassment or harassment pose or may pose an immediate danger to the health or safety of a worker, the worker should attempt to de-escalate the situation verbally. If de-escalation is unsuccessful or not possible, the worker should seek additional assistance, such as from a supervisor or security (if available).

If facing an immediate risk of physical violence, a worker should follow the rules of Get out, Hide, Fight: leave the situation straightaway, hide if it is not safe, leave, and fight only as a last resort.

**[Name of organization]** has developed Emergency Procedures **[insert link]** to address situations in which an occurrence poses an immediate danger to the health and safety of a worker, or there is a threat of such an occurrence.<sup>29</sup> Workers are responsible for familiarizing themselves with the content of these procedures.

### 12. Support measures and accommodation

Workers wishing to access support services can contact the following organizations: **[insert name and contact information of medical, psychological, and social support services and, if available, the Employee Assistance Program]**<sup>30</sup>

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<sup>29</sup> [Regulations s. 11](#)

<sup>30</sup> [Regulations s. 13](#)

**[Name of organization]** recognizes that workplace harassment can have mental and physical consequences that can rise to the level of a disability. Workers who have experienced harassment or violence may require human rights accommodation. In these circumstances, the **[Name of Organization]** accommodation policy will apply.

### 13. Record keeping

**[Name and/or position B]** is responsible for keeping the workplace harassment and violence policy and the documents forming part of the workplace assessment.

In accordance with subsection 35(1) of the Regulations, **[name of organization]** will keep the following records:

- a) the workplace harassment and violence prevention policy
- b) a copy of the documents that form part of the workplace assessment
- c) a copy of the documents that form part of each review and update of the workplace assessment
- d) a record of **[name of organization]**'s decision (and the reasons for that decision) in each instance where **[name of organization]** and the **[applicable partner]** disagree on a joint matter
- e) a record of each notice of occurrence (alleged incident of harassment or workplace violence) and of each action taken in response to the notice
- f) a document explaining the reason for a delay when a time limit is not met;
- g) a copy of each investigation report
- h) a copy of each annual report
- i) a copy of each fatality report (where relevant)

In accordance with subsection 35(2) of the Regulations, records (c) to (i) listed above will be kept for a period of ten years.

### 14. Other redress

Using the other complaint processes listed below does not prevent a worker from using this internal procedure to file a harassment or workplace violence complaint.

#### 14.1 Complaints to the Canadian Human Rights Commission

A worker who has experienced sexual harassment or harassment related to a prohibited ground of discrimination<sup>31</sup> may file a complaint with the CHRC under section 40(1) of the CHRA. The complaint must be filed **within one year** of the last alleged incident of harassment. Workers seeking redress in other avenues (including under this policy) may still wish to file a complaint with the CHRC. This is an important step in preserving the right to bring a complaint to the CHRC and ensuring that it respects the timelines in the legislation.

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<sup>31</sup> [CHRA, s. 3.](#)

Filing a complaint with the CHRC is an accessible process that does not require legal representation or a fee. Find out more about filing a complaint with the CHRC [here](#).

When a worker files a complaint with the CHRC, the CHRC will ask (1) who discriminated against them; (2) how it happened, including dates where possible; (3) what ground of discrimination they believe applies; and (4) why they believe the ground of discrimination is linked to what happened to them, for example, how their race or sex played a role in the behaviours they are submitting a complaint about.

## 14.2 Union grievance procedure

A unionized worker who has experienced harassment in the workplace may ask their union to file a grievance under a collective agreement.

## 14.3 Canada Labour Code

A worker may be able to seek recourse from the Canada Labour Board's Head of Compliance and Enforcement (designated by the Minister of Labour) if they do not believe their complaint has been handled in accordance with the Code or Regulations.<sup>32</sup> See section 9.11 above.

This is not an appeals process for a worker who disagrees with the outcome of an investigation. It is a process intended to address procedural concerns related to **[name of organization]'s** handling of the complaint, or where the worker believes this policy falls short of what is required by the Regulations.

## 15. Privacy and confidentiality

**[Name of Organization]** and all individuals involved in a harassment or violence complaint are expected to respect the privacy and confidentiality of all other persons involved **while the complaint is being addressed under this policy**. Confidentiality is intended to ensure the integrity of the complaint process, not to conceal allegations of harassment or violence.

Importantly, the confidential nature of the complaint process does not prevent any individual involved from seeking medical, psychological, or social support services. It does not prevent sharing the information necessary to protect others from harassment or violence, taking appropriate interim or other corrective action, or compliance with any legal obligations.

**[Name of Organization]** and all individuals involved in the complaint or investigation process will comply with all requirements of the **[if applicable: title of privacy legislation]** to protect personal information. **[Name of Organization]** will not disclose the name of a principal party or the circumstances related to the complaint to any person except where doing so is necessary for the purposes of investigating the complaint or taking disciplinary measures. **[Name of Organization]** will not disclose information related to disciplinary measures or sanctions imposed on a responding party to any person except where doing so is necessary to facilitate the implementation of those disciplinary measures or sanctions.

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<sup>32</sup> [Canada Labour Code s. 127.1\(8\)](#)

## **16. Enquiries**

Enquiries about this policy and related procedures can be made to **[Name and/or Position B]**.

**Policy last updated: [Month/Day/Year]**