

# Policy Checklists

## Discrimination and Harassment Policy Checklist

The purpose of an anti-discrimination policy is to demonstrate the employer's commitment to ensuring that the workplace is free of harassment, and to educate employees on the nature of harassment and how the issue will be dealt with.

### **An effective workplace anti-harassment policy should include the following:**

- ✓ A definition of harassment that complies with the human rights laws governing your jurisdiction.
- ✓ A statement that every employee is entitled to a work environment free of harassment.
- ✓ A commitment by the employer to make every reasonable effort to ensure that no employee is subject to harassment.
- ✓ A commitment to take disciplinary measures against employees who harass other employees, and a description of the types of discipline that may be imposed.
- ✓ An explanation of how harassment complaints may be brought to the employer's attention.
- ✓ A detailed description of the procedures for investigating and resolving a complaint.
- ✓ A commitment to protect the identity of the parties wherever possible.
- ✓ An explanation of an employee's right to file a complaint under human rights law.

# Sexual Harassment Policy Checklist

A basic sexual harassment policy should include the following:

- ✓ **A definition of sexual harassment:** The policy can refer to the definition of sexual harassment that is provided by the applicable human rights body. In addition to the formal definition, the policy should explain, in easy-to-understand terms, the types of conduct that will and will not be tolerated.
- ✓ **A prohibition clause:** Make a clear statement that sexual harassment will not be tolerated.
- ✓ **An overview of an internal complaints procedure:** Complaints should be made in writing (although they can occur verbally to begin with). The avenues for an employee to make a complaint should be outlined. For instance, it may be helpful to designate within your policy several individuals whom an employee may bring a complaint, preferably including an individual who has authority but is outside the direct line of supervision of the harassed employee/member. Make sure to state that alternative complaint recipients will ensure that the employee/member will not have to complain to the alleged harasser. Also provide details of external complaints processes that are available to employees (e.g. the processes of human rights bodies). Finally, give employees an idea of how long the investigation should take and when an answer can be expected.
- ✓ **A list of penalties:** State that anyone violating the policy will be subject to discipline, ranging from a warning to discharge, if appropriate. Also inform potential perpetrators of external human rights penalties, union related penalties, the potential for a civil lawsuit, and the potential for police involvement in cases of sexual harassment.
- ✓ **A confidentiality provision:** Explain that the identity of both complaining employee and the alleged harasser will be protected, but announce that action will be taken.

- ✓ **A reassurance of protection against retaliation:** Provide that anyone making a complaint will not be retaliated against, even if a complaint made in good faith is not founded. Also explain that any witnesses will be protected.
  
- ✓ **A reference to the applicable human rights legislation:** Include a reference to or a copy of the applicable human rights legislation.

Source: CCH Canadian Labour Law Reporter Limited 2011 Edition, Human Rights/Equity Issues, Practice Tips