**Company logo**

1. Purpose

As an employer, (ABC company name) hereby commits to prevent or put a stop to all physical, psychological, sexual, discriminatory and other forms of harassment in accordance with applicable legislation.

This policy sets out the intervention procedures to be applied in response to a complaint filed with or harassment reported to the employer or its representatives.

2. Scope

This policy aims to counter psychological, sexual and discriminatory harassment. It applies to all the company’s employees, regardless of their hierarchical level or employment status (e.g., part time, full time, casual, regular).

It is in effect in all the company’s facilities, regardless of work environment (e.g., work area, lodging, meeting, travel, social event, communication by any technological means, including email, social media, text messages, posts and letters).

**Harassment in any form** will not be tolerated while workingor in the workplace.

3. Policy statement

Everyone has the right to:

* respect for their physical and psychological integrity
* respect for their dignity and private life
* fair and reasonable conditions of employment that have proper regard for their health and safety
* equality, without discrimination or harassment on the basis of any ground mentioned in the *Charter of human rights and freedoms*

Harassment may be on the part of one person or a group of people in the organization or individuals outside of the company—third parties, customers, users, suppliers or visitors.

However, **harassment must not be confused with other situations,** including interpersonal conflicts, work-related stress, difficult professional constraints and the normal exercise of management rights (attendance management, work organization, disciplinary measures, etc.).

All complaints and reports of harassment will be handled carefully, promptly and impartially. Anyone who violates this policy may be subject to disciplinary and administrative measures up to and including termination.

No reprisals of any kind will be taken against anyone who avails themselves of the policy in good faith or witnesses.

4. What is harassment?

Harassment is defined as expressly or implicitly unwanted, unwelcome, offensive or insulting conduct by an individual that is directed at on or more other individuals in the workplace and that the individual knew or should have known would cause offence or harm.

Psychological harassment is defined as follows under the *Act respecting labour standards* (section 81.18):

[A]ny **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 certainty, **psychological harassment** includes such behaviour in the form of such verbal comments, actions or gestures of a sexual nature.

**A single serious incidence** of such behaviour that has a **lasting harmful effect** on an employee may also constitute psychological harassment.

Furthermore, the definition includes harassment that is discriminatory on the basis of race, colour, sex, pregnancy, sexual orientation, civil status, age, religion, political convictions, language, ethnic or national origin, social condition or a handicap (*Charter of human rights and freedoms,* section 10).

**Examples of vexatious behaviour:** bullying, cyberbullying, threats, singling out a person, offensive or defamatory remarks or gestures regarding a person or their work by any technological or other means of communication, verbal abuse, denigration.

**Examples of to sexual harassment-related conduct:** any form of unwanted sexual attention or advances (e.g., insistent solicitation, looks, kisses or affection, sexist insults, lewd remarks), comments, jokes and sexual images transmitted by any technological or other means.

5. Employees’ responsibilities

Employees must maintain and promote standards of conduct that foster a harassment-free work environment, as previously mentioned, and show respect to colleagues, managers, executives, customers, providers, etc.

Employees must attend relevant training and information sessions.

Anyone who witnesses harassment are encouraged to report it to a designated resource person right away.

6. The employer’s (and its representatives’) responsibilities

The employer is responsible for implementing and updating the policy and ensuring its purpose is fulfilled. The employer and its representatives (managers, supervisors) must ensure this policy is enforced so it achieves its purpose.

The employer and its representatives are specifically responsible for:

* Disseminating the policy and ensuring that employees receive relevant training
* Implementing adequate measures to prevent harassment
* Promptly intervening when psychological or sexual harassment is brought to their attention, to put a stop to it
* Increase employees’ awareness of their individual responsibility to maintain a harassment-free work environment
* Deciding on which measures to take to avoid risk situations
* Taking action to rectify risk situations
* Deciding on which measures to take following an intervention, including disciplinary and administrative measures as appropriate

Furthermore, the resource people who have been tasked with carrying out the policy are responsible for:

* Receiving complaints and reports on behalf of the employer
* Supporting preventative action among employees in relation to the corporate policy
* Acting as harassment prevention officer
* Informing those involved in a case of their rights and organizations that can help them
* Recommending actions to take in response to a complaint or report
* Selecting who will intervene as mediator or investigator
* Assisting the employer and its representatives with disciplinary and administrative actions
* Consulting experts as required

7. Support and complaint-handling mechanism

Employees who believe they have been the target of inappropriate or malicious actions or conduct can avail themselves of the mechanism described in the appendix.

The company will ensure that everyone involved is treated humanely, fairly and objectively, and offered adequate support. A self-settlement step and two reporting and complaint-handling mechanisms, one informal and the other formal, are proposed. The employee is free to choose whichever one they prefer. In either case, the employee can speak to one of the following resource people confidentially and ask that they intervene to quickly resolve the situation:

1. Person’s name, position, work location and telephone number
2. Person’s name, position, work location and telephone number

These people may act as policy owners.

8. modifications

The employer reserves the right to modify the terms of this policy as it seems fit or in accordance with legislative amendments.

Issued by: XX

 Employee’s name

Effective: xx

 DD/MM/YYYY

Revised: xx

 DD/MM/YYYY

APPENDIX 1 Support and complaint-handling mechanisms

The employer prefers that situations be handled and supported internally. However, it is always possible to file a complaint directly with the CNESST (1-844-838-0808) within 2 years of the last instance or event.

Section 7 of the policy is complemented by the following complaint-handling steps and process:

**Phase 1) Self-settlement step**

When the situation permits, a person who believes they have experienced psychological or sexual harassment should first inform the presumed harasser that their behaviour is unwanted and they must stop immediately.

When this step is not advised or if the harassment continues, the presumed victim should consider reporting the situation and filing a complaint. It is recommended to first write down the details and date(s) of the incident(s) and their ideas to rectify the situation.

**Support and complaint-handling mechanisms**

The company offers two reporting and complaint-handling mechanisms, one informal and the other formal. The employee is free to choose whichever one they prefer. In either case, the employee can speak to one of the previously named resource people confidentially and ask that they intervene to quickly resolve the situation.

**Phase 2A) Informal mechanism**

This confidential step enables a person who believes they have been harassed to file a complaint with one or both resource people identified by the company to listen to presumed victims. The purpose of this discussion is to assess the **admissibility of the complaint and inform the presumed victim of their rights and available recourse.**

This resource person, once aware of the situation, can suggest to the presumed victim a variety of solutions, including mediation. Where mediation between the parties is not used or the presumed victim is not satisfied or does not believe they will be able to resolve the reported situation by themselves, the presumed victim must decide whether they want their employer to intervene to eliminate the source of the harassment.

The presumed victim must then file a formal complaint about the situation.

**Phase 2B) Formal mechanism**

The presumed victim **files a formal complaint.** The complaint form is attached, in Appendix 2.

The employer will sign and date the form to acknowledge receipt of the complaint and give the complainant a copy of the document. The employer may appoint an internal or external person to mediate or investigate. If the employer is the subject of a complaint and is the sole resource person and owner of this policy, the presumed victim should file a written complaint with the CNESST. In such cases, the time frames and methods for handling complaints are governed by the CNESST.

**Steps involved in resolving the situation**

**Mediation**

The resource person tasked with addressing the complaint or report may offer each party the option to resolve the situation through mediation. If either party refuses this option, the case is escalated to the next step—an investigation. The same person cannot be mediator and investigator.

The parties may request mediation at any time by submitting a signed written request to that effect to the policy owner.

The policy owner appoints a qualified mediator. The mediator’s role is to help the parties agree on a solution. The final agreement must be in writing and signed by both parties. It must also provide the details of the means of resolution that were agreed upon. The designated resource person may play a monitoring role and intervene as necessary. The agreement remains confidential unless the parties agree otherwise.

**Investigation**

The policy owner may investigate themselves, appoint an investigator or hire a qualified external investigator.

The investigation process is confidential and respectful of the parties involved in the complaint. The investigation will begin promptly in the interest of not disadvantaging the parties.

If the investigator deems it appropriate, particularly when justified by the gravity of the situation, they may ask a competent authority to take some interim measures during the investigation to continue with the investigation. One example of a measure is that the presumed harasser be suspended pending investigation.

The investigator must:

* Inform the parties of their rights and responsibilities
* Meet with each party and witness individually, starting with the complainant and then the presumed harasser; the parties may be accompanied by a person of their choosing
* Collect signed written statements from each party and witness as required

**Investigation report**

The investigator must:

* Publish a written investigation report outlining the analysis of the evidence and the conclusion of the investigation
* Submit their report to the designated policy owner within 30 days of being appointed, barring exceptional circumstances
* Indicate in their report each party’s version of the facts, the evidence gathered, the testimony received, their analysis and conclusion, and any recommendations they have
* Submit a written request to the resource person tasked with addressing the complaint for any time extension required to complete the report

**Decision and punitive measures**

After receiving the investigation report, the policy owner must promptly notify the parties in writing of the decision that was made, whether the complaint was accepted or rejected.

APPENDIX 2 Harassment complaint form

I hereby wish to file a complaint against:

Name of the person(s) on behalf of whom the complaint is being filed:

Their position(s):

Date of the last event related to the complaint:

Approximate date/time:

Is this the first instance? □ YES □ NO

If no, please indicate the frequency of the reported events or when they occurred:

Detailed description of the facts related to the reported event(s) (additional pages may be attached as an appendix):

In light of these facts, I believe that I have been the victim of harassment.

Last name: First name:

Signature:

Date:

Employer’s acknowledgement of receipt: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_