

Workplace Harassment – Duties of the employer

Cheat sheet #4

SECTIONS	Important duties of the employer in the Act (Ontario)
32.0.1 (1) (b)(2)	Prepare and review , at least annually, a written workplace harassment policy
32.0.6 (1) 32.0.7 (1)(c)	Prepare, in consultation with the joint health and safety committee, and maintain a written program to implement the workplace harassment policy . The program shall be reviewed as often as necessary but at least annually, as to ensure it adequately implements the policy.
32.0.6 (2)	<p>The workplace harassment program shall:</p> <ul style="list-style-type: none"> ➤ include measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor; ➤ include measures and procedures for workers to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser; ➤ set out how incidents or complaints of workplace harassment will be investigated and dealt with; ➤ set out how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law; ➤ set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation; and ➤ include any prescribed elements.
32.0.8 (a)	Provide information and instruction to a worker with respects to the contents of the workplace harassment policy and program .
32.0.7 (1)(a)	Ensure that an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstance
32.0.7 (1)(b)	Ensure that the worker who has made a complaint of harassment is informed, in writing, the results of the investigation and if any corrective action will be taken .

Workplace harassment – Engaging in a course of **vexatious comment or conduct against a worker** in the workplace, that is reasonably known to be as unwelcome. The harassment may take place once, or over a period of time.

Workplace harassment **may include:**

- jokes, remarks, innuendos that are humiliating, demeaning, offensive or intimidating
- insults comments, or discriminatory behaviour based on race, ethnicity, religion, age, family status, disability,
- public shaming or ridiculing
- displaying, circulating or emailing offensive pictures or videos
- physical or verbal threats of violence
- **bullying****
- **workplace sexual harassment++**

****Bullying - A form of harassment and violence** characterized by a **repetitive course of action** intended to intimidate, degrade, humiliate or isolate a worker. Bullying also includes an attempt to devalue or sabotage a worker's productivity or performance. The aggressor can be a colleague, supervisor, manager, or member of the public (client, student, resident, patient, etc.).

++Workplace sexual harassment: "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, that is known or ought reasonably to be known to be unwelcome."

Workplace sexual harassment may include:

- jokes, remarks, innuendos of a sexual nature that are humiliating, demeaning, offensive or intimidating
- insults or discriminatory behaviour based on sex, sexual orientation, gender identity or gender expression
- displaying, circulating or emailing offensive pictures or videos of a sexual nature
- comments, suggestions, advances, unnecessary physical contact, or leering

Workplace sexual harassment includes "any 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."

Please note that the information provided on this sheet does not constitute legal advice. If you have any questions about health and safety law, speak to your Local Executive, CUPE National Servicing representative, or CUPE National Health and Safety Specialist.