

Respectful Workplace/Harassment Prevention and Resolution (HR- 800)

Appendix A

APPENDIX A: Guidelines for determining what may constitute harassment

The following questions may help to assess whether the conduct (act, comment or display) constitutes harassment:

- Would a reasonable person view the conduct as unwelcome or offensive?
- Did it demean, belittle or cause personal humiliation or embarrassment?
- Is it a single incident or is it a series of incidents over time?
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What generally constitutes harassment includes, but is not limited to:	What <u>may</u> be harassment includes, but is not limited to:	What is <u>not</u> generally considered harassment includes, but is not limited to:
Rude or offensive remarks, put-downs or insults to a person	Personality conflicts - conflicts do not usually constitute harassment; however if managed poorly or left unresolved, they can escalate to harassment	The legitimate and proper exercise of management's authority or responsibility
Displaying sexist, racist or other offensive pictures, posters or sending offensive or degrading emails	Criticizing an employee in public (this includes commentary on online blogs and social networking sites such as Facebook and MySpace)	Legitimate and constructive feedback regarding work performance
Spreading rumours about someone or statements damaging to a person's reputation (this includes commentary on online blogs and social networking sites such as Facebook and MySpace)	Exclusion from group activities or assignments	The manager's required day to day management of absenteeism, tardiness and leave entitlements.
Actual or threatened physical assault (this may be a Criminal Code offence)	A single or isolated incident such as an inappropriate remark or abrupt conduct	Organizational changes that are justifiable from an economic viewpoint and they are made in a non-discriminatory manner
Stalking (this may be a Criminal Code offence)	Repeatedly singling out an employee for meaningless or "dirty" jobs that are not part of their normal duties	Disciplining staff in accordance with the employer's right to manage
		Manager's right to assign tasks

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What generally constitutes sexual harassment includes, but is not limited to:	What <u>may</u> be sexual harassment includes, but is not limited to:	What is <u>not</u> generally considered sexual harassment includes, but is not limited to:
Display of sexual materials (including emails, posters, calendars)		Good natured flirting, teasing or jesting which BOTH parties find acceptable
Sexual coercion (“quid pro quo” (“this for that”) harassment) – involves subtle hints or overt promises or threats to solicit sexual favours.		An office romance to which BOTH parties willingly consent.
Unwelcome conduct of a sexual nature, including suggestive remarks or gestures, compromising invitations or requests		
Implied or expressed reward for complying with a request for sexual favours		
Sexual advances that may be perceived as placing a condition on a person’s employment status		
Implied or expressed reward for complying with a request for sexual favours		
Sexual advances that may be perceived as placing a condition on a person’s employment status		
Unwelcome remarks about a person’s physical attributes or appearance		
Touching, patting, pinching, hugging or other unwelcome physical contact		
Outright demands for sexual favours		
Leering or staring		
Unwelcome enquiries about a person’s sex life		

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What generally constitutes discrimination includes, but is not limited to:	What <u>may</u> be discrimination includes, but is not limited to:	What is <u>not</u> generally considered discrimination includes, but is not limited to:
A person is not hired based solely because of one or more of the prohibited grounds under the <i>Human Rights Act, 2010</i> . These may include his/her race, religion, religious creed, political opinion, colour or ethnicity, national or social origin, sex, sexual orientation, marital status, family status, physical disability, mental disability, criminal conviction or age.	Exclusion from group activities or assignments based solely on one or more of the prohibited grounds under <i>Human Rights Act, 2010</i> .	Hiring someone with a disability under an employment equity program.
A person is terminated solely because of one or more of the prohibited grounds under the <i>Human Rights Act, 2010</i> .		Not hiring someone who cannot perform the essential duties and/or a bona fide occupational requirement of the position, and cannot be accommodated without undue hardship to the employer.
Denying an opportunity to a person solely based on one or more of the prohibited grounds under the <i>Human Rights Act, 2010</i> .		
Not promoting someone solely based on one or more of the prohibited grounds under the <i>Human Rights Act, 2010</i> .		

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