Workplan – Sexual Harassment and Your Responsibilities for Preventing It



From a moral and legal standpoint, it is simply unacceptable to ignore the issue of sexual harassment in the workplace. As a supervisor, you and your employees all have responsibilities you must know, understand, and follow.

What You Should Know

Supervisor Responsibilities

- Know and comply with company policies and procedures on harassment.
- Report any complaint you receive or incident you witness, immediately.
- Demonstrate a willingness to hear and objectively discuss complaints and assist employees in reporting their complaint. This includes;

o Responding to any complaint as soon as possible.

o Clarifying to the employee that confidentiality will be maintained as much as possible, but can't be guaranteed, in order to investigate a claim fully and properly.

- Don't object if an employee prefers to or does bypass the standard chain of command.
- During a complaint investigation:
    - Make employees available for interviews.
    - Be available for interviews.
    - Provide as much information as possible
- Don't engage in or condone retaliation by following these guidelines:
    - Treat any employee who complained the same as every other employee.

*ex. Don't make an example of them or single them out – in either a good or bad way

    - Take disciplinary action against any employee who retaliates against an employee who made a complaint. Act quickly but fairly.
    - Ensure your own conduct is fair in both fact and in appearance.
    - Never discourage any employee from asserting their legal rights.

Employee Responsibilities

- Be knowledgeable – know and understand company policies and applicable laws.
- Be watchful.
    - Pay attention to co-workers so you can avoid inadvertent offences.
    - Be on the lookout for subtle forms of harassment and report any instances to your supervisor or HR.
    - Document instances of harassing behavior, retaliation, reporting, and follow-up

What You Should Do

Know and follow the laws designed to prevent sexual harassment and protect workers. In Canada, federal law is found in the Canada Labour Code (CLC). If you allege that you have, or are experiencing sexual harassment at work, and the company that you work for in Canada falls under federal jurisdiction, that sexual harassment is covered under Division XV.1 of Part III of the Canada Labour Code (R.S.C., 1985, c. L-2). Although all provincial and territorial jurisdictions have passed legislation regarding sexual harassment and sex discrimination, they are covered under human rights legislation and not under the individual labour codes or acts. In the United States, there are several federal laws that prohibit sexual harassment and other forms of discrimination. Many states also have additional laws governing and prohibiting sexual harassment. The law protects you from retaliation (punishment) for complaining about harassment and you have a right to report harassment, participate in a harassment investigation or lawsuit, or oppose harassment, without being retaliated against for doing so. You also have an option of filing a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) to complain about the harassment. There are specific time limits for filing a charge, so contact EEOC promptly.

Having a clear understanding of your responsibilities and the responsibilities of others, will inform and empower you when it comes to sexual harassment.