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Harassment Prevention

Understanding Saskatchewan's
Harassment Prevention Legislation
and Promoting Healthy and Safe Work
Environments

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Employer Responsibilities

An employer has two principle responsibilities to prevent harassment in the workplace:

- to develop and implement a written harassment policy that meets the requirements of section 36 of *The Occupational Health and Safety Regulations, 1996* in order to prevent harassment, as well as to provide a process for the receipt, investigation and resolution of complaints of harassment; and
- to ensure as much as is reasonably practical that employees are protected from harassment with respect to any matter or circumstance arising out of the worker's employment. This may include harassment that occurs outside of regular workplace and work hours (e.g., employer sponsored social event, conference), or is perpetrated by a customer, client or person from a contracting business.

Good management practices can help create a respectful workplace. Conflicts and misunderstandings increase the risk of harassment occurring in the workplace.

Employers can use the following steps to help reduce this risk:

- Provide clear direction on roles, tasks and expectations to avoid misunderstandings
- Demonstrate leadership in conflict management
- Provide for open communication
- Promote co-operation
- Train supervisors and employees in demonstrating respectful conduct, addressing inappropriate behaviour and handling complaints.

Employee Responsibilities

All employees, including managers and supervisors, have a responsibility to ensure appropriate conduct in the workplace. Employees are also responsible for reporting incidents of harassment and co-operating with harassment investigations.

If you believe that you or someone you know has been harassed, you should report it to your employer. An employee may also contact Occupational Health and Safety for information and assistance.

Prevention - The Best Approach

Creating and maintaining a workplace free of harassment takes commitment. Employers should take proactive steps to prevent harassment, such as:

- Promote respect in the workplace
- Demonstrate commitment to implementing a harassment policy and maintaining a harassment free workplace
- Provide harassment prevention training to all managers, supervisors and workers
- Act promptly to end any harassment and prevent its recurrence

Please see the "Harassment Prevention Guide and Sample Policy" a publication of the Ministry of Labour Relations and Workplace Safety for more detailed information about preventing harassment and creating a harassment policy.

Reporting Harassment

If you believe you, or someone you know, are being harassed as a result of employment, you may wish to contact Occupational Health and Safety for assistance.

Occupational Health and Safety provides information to employees and employers about harassment, and can assist in stopping harassment through enforcement of *The Occupational Health and Safety Act, 1993*, *The Occupational Health and Safety (Harassment Prevention) Amendment Act, 2007* and *The Occupational Health and Safety Regulations, 1996*.

Healthy and Safe Work Environments Benefit Us All

Harassment-free workplaces are a benefit to all people in Saskatchewan. For more information about harassment, please contact Occupational Health and Safety.

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Saskatchewan
Ministry of
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Harassment Prevention

Saskatchewan people have a right to healthy and safe work environments free from harassment.

Under *The Occupational Health and Safety Act, 1993* (OHS Act), employers are required to take reasonable steps to prevent and stop harassment that arises out of or is connected to a worker's employment. This guide will help you to understand harassment as defined by the OHS Act.

What is Harassment?

There are two main types of harassment covered under the OHS Act. Both types must constitute a threat to the health or safety of a worker.

The first type is defined as any inappropriate conduct, comment, display, action or gesture by a person that is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin.

The second type relates to personal harassment, or what is sometimes referred to as "bullying". Personal harassment is defined in the OHS Act as any inappropriate conduct that adversely affects a worker's psychological or physical well-being, and that the perpetrator know or ought reasonably to know would cause a worker to be humiliated or intimidated.

Personal harassment typically involves repeated occurrences. A single incident may also constitute harassment if it is serious or severe and is shown to have a lasting harmful effect on a worker.

Personal harassment may include:

- Verbal or written abuse or threats
- Insulting, derogatory or degrading comments, jokes or gestures
- Personal ridicule or malicious gossip
- Malicious or unjustifiable interference with another's work or "work sabotage"
- Refusing to work or co-operate with others
- Interference with or vandalism of personal property

Examples of Personal Harassment

Example One

Personal Harassment by a Co-Worker

Jennifer is an assistant to the manager in an administration office. Over the course of her 11-year career, she has been recognized for her efficiency, professionalism and friendliness. A few months ago, Lorraine joined the office. While Lorraine gets along well with the manager, she seems to go out of her way to make things difficult for Jennifer. Lorraine often makes snide comments about Jennifer's work, and has sent e-mails to other staff criticizing her personality and work habits. Lorraine also hides files and withholds important information from Jennifer. This makes Jennifer appear to be disorganized in front of the manager and other staff. Lorraine seems to enjoy playing these pranks, just to see Jennifer's reaction. Jennifer approached her manager with her concerns, but the manager decided Jennifer and Lorraine needed to work things out by themselves. Jennifer is becoming more withdrawn and uncomfortable at work, and feels that the stress of her work environment is affecting her health.

Example Two

Personal Harassment by a Customer

Todd is a recent high school graduate who is working his first part-time job at a local restaurant. He is well-liked by many of the customers, except for a group of older kids who come into the restaurant a few times a week. They always make a point of calling Todd names, sometimes right in front of his boss, Christine, who does nothing about it. When Todd tries to talk to Christine, she tells him he needs to learn to handle the situation because the customer is always right. Often the group makes a huge mess at their table and makes rude comments about him while he cleans it up. Todd feels humiliated and finds it difficult to do his job when the group comes to the restaurant. He is starting to think about looking for a new job.

Example Three

Personal Harassment by a Manager

Tara is a computer technician who works at a small business that repairs and sells computer equipment. On one of her first projects, a customer was upset with Tara's work. Her boss, Garry, yelled at her in front of the customer and threatened to fire her. Since then, Garry has been really hard on Tara. Garry often hovers over her while she works, criticizing her and yelling at her for being too slow or doing her work incorrectly, but not offering any advice or assistance. Garry never does this to the other staff, and her co-workers have started to avoid helping her or talking to her. One day, he told Tara that she made a mistake on a computer she rebuilt but refused to tell her what was wrong. Tara spent a whole night going over and over the computer, even asking a friend for help, but could not find any mistakes. Tara was afraid to come to work the next day, fearing that Garry would either yell at her again or fire her. What is Not Harassment?

Employers must make day-to-day decisions about the management of workplaces, such as work assignments, job assessment and evaluation, supervision and imposition of discipline. These actions are not harassment, even if they sometimes involve unpleasant consequences or conflict.

Managerial actions must be carried out in a manner that is reasonable, and not abusive.

Appropriate workplace conduct may include:

- Coaching, training, supervising or the imposition of corrective discipline
- Assigning job duties
- Setting standards for work and the workplace

Examples of What is Not Harassment

Example Four

Reasonable Managerial Action

Joe works as a mechanic in an auto body and repair shop. A new manager, Rick, recently started at the shop. Joe does not like some of the changes his new manager has made, including the scheduling. Joe is frequently late for work, though his former manager did not mind at all. However, Rick expects Joe to begin work on time. Rick started by asking him why he was late and then posted a memo indicating to all staff that employees were expected to be on time. Joe felt that his reasons for being late were not Rick's business and was irritated by Rick's memo. The next time Joe was late, Rick asked him to meet to discuss the issue. Joe became upset and walked out of Rick's office. When Rick asked Joe to do something later that day, Joe refused. Rick is considering giving Joe a one-day suspension.

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