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Harassment Defined

"harassment" means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety, and includes:

conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and(ii) a sexual solicitation or advance, but excludes any reasonable conduct of an employer or supervisor in respect of the management of workers or a work site;

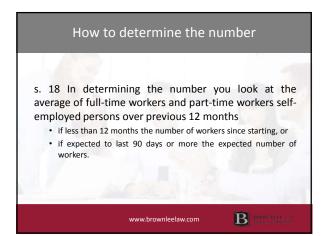
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Compulsory training times. 29(4)

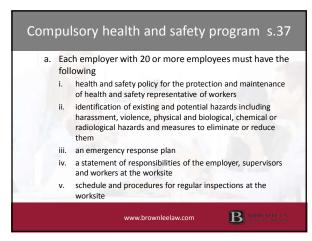
- a. Joint work site health and safety committee co-chair entitled to training
- b. Health and safety representative
- c. Joint work site health and safety committee member
- d. for each of the above the greater of 16 hours or two shifts

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Committee member and representative release time from normal work duties s. 30

- a. To prepare for or attend meetings
- b. To attend health and safety training
- c. To carry out committee member or representative duties under the Act, regulations or OHS code
- d. While absent for the duties they deemed at work and entitled to regular pay

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Compulsory health and safety program s.37

- vi. health and safety representative procedures when another employer or a self-employed person is at the worksite including criteria for evaluating, monitoring and selecting, and regularly monitoring other employers and self-employed persons
- vii. worker and supervisor health and safety representative orientation and training
- viii. procedures for
 - 1. investigating incidents and injuries and refusals to work
 - 2. worker participation in worksite health and safety
 - reviewing health and safety program if circumstances at a worksite change

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#1: Societal Realities

- ✓ Just deal with it is no longer acceptable. Boys will be boys and mean girls
- ✓ Significant disconnect between perception and reality in the workplace.
 ✓ A recent Canadian C-Suite survey revealed that 94% of the executives
- didn't think harassment was an issue in their workplace. http://www.gandalfgroup.ca/downloads/2017/C-Suite%20Report%20Q4%20December%202017%20tc2.pdf
- ✓ We have to be objective about our circumstances.
- Significant percentage of employees report (over 66%) having been harassed or witnessed harassing behaviours in the workplace
- ✓ Anecdotes tell you where to look. Data tells you what to do about it. (But make sure it's the right data.)
- ✓ If you want to change your culture, you have to demonstrate why change is necessary.

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#2: Empower the bystanders

- We know that power and authority is often a significant factor in harassment cases and toxic work environments.
- ✓ In your policies and conduct, empower the bystanders to take action, and hold them accountable to do so.
- ✓ Change your policy language to reflect the power differential.
 - ✓ Protections for whistleblowers.
 - ✓ Obligations to report misconduct.
 - ✓ Ensure complaint process addresses all levels of organization.

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Training over opposition.

- ✓ Meetings / Seminars on Workplace Conduct
- Coach, train, empower and reward every employee on how to have difficult conversations. You must practice what you preach.
- ✓ Encourage "nipping the problem in the bud" and informal resolution of issues when appropriate and reasonable.
- ✓ Be prepared and when required complete a formal and thorough investigation in accordance with your policy framework.

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#4: Establish healthy expectations about confidentiality upfront

- In a formal investigation, absolute confidentiality cannot and should not be guaranteed, except in limited circumstances.
 - ✓ Disclosure between Victim and Accused;
 ✓ Identifiable investigation team;
 - Identifiable investigation team;
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 - ✓ Statutory disclosure (ex. OH&S);
 - ✓ Reports to police.
- Clearly set expectations in your policy, and educate your teams.

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✓ Education = Expectations + Reality.

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Right to Refuse Dangerous Work

Workers have the right to refuse dangerous work and are protected from reprisal for exercising this right:

- ✓ Workers must continue to be paid while a work refusal is being investigated
- ✓ Employers must ensure workers understand the hazards at the workplace, know what needs to be reported and have the support to exercise their right
- ✓ Employers must investigate the matter in cooperation with the joint worksite health and safety committee or health and safety representative, if applicable
- ✓ Employers cannot take or threaten discriminatory action against a worker for exercising their rights and duties under the legislation
- ✓ Other workers may be assigned to the work if they are advised of the refusal, reason for it and are made aware of their own right to refuse work after the employer determines there is not a risk

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Right to Know Workers have the right to know of potential hazards and have access to basic health and safety information in the workplace: ✓ All employers must inform workers about potential hazards ✓ All worksite parties must ensure information on health and safety hazards is available onsite B mouse

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