



Harassment

Information for SIAST Students

1. What is harassment?

In Saskatchewan under *The Occupational Health and Safety Act*, “**Harassment**” means any objectionable conduct, comment or display by a person that:

- is directed at a worker;
- 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; and
- constitutes a threat to the health or safety of the worker.

It may include unwelcome or insulting:

- remarks, actions, gestures and jokes
- touching or sexual advances
- graffiti or pictures

2. What about other forms of harassment?

The definition of *Harassment* in the Act determines what can be dealt with under the legislation. Behaviour that does not fall under the definition must be dealt with through other avenues.

3. What are my rights to a harassment-free workplace?

Under the law:

- the employer must protect workers from harassment
- the employer must not retaliate against complainants
- workers must not cause or participate in harassment

4. How can the employer prevent harassment?

The employer must implement a harassment-prevention policy. The policy should be developed in consultation with the workplace’s:

- occupational health committee; or
- worker health and safety representative, if the workplace does not require a committee; or
- workers, if the workplace does not require a committee or a representative.

5. What must the policy include?

1. A definition of *harassment* that includes the definition in the Act;
2. A statement that every worker is entitled to employment free of harassment;
3. A commitment that the employer will make every reasonably practicable effort to ensure that no worker is subjected to harassment;
4. A commitment that the employer will take corrective action respecting any person under the employer’s direction who subjects any worker to harassment;
5. An explanation of how complaints of harassment may be brought to the attention of the employer;
6. A statement that the employer will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is:
 - a) necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint; or
 - b) required by law;

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To contact the Occupational Health and Safety Division:

Visit our website: www.labour.gov.sk.ca

Regina call: 1-800-567-7233 (toll-free) Saskatoon call: 1-800-667-5023 (toll-free)

7. A reference to the provisions of the Act respecting harassment and the worker's right to request the assistance of an occupational health officer to resolve a complaint of harassment; and
8. A reference to the provisions of *The Saskatchewan Human Rights Code* respecting discriminatory practices and the worker's right to file a complaint with the Saskatchewan Human Rights Commission;
 - a) a description of the procedure that the employer will follow to inform the complainant and the alleged harasser of the results of the investigation; and
 - b) a statement that the employer's harassment policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.

The employer must:

1. Implement the policy; and
2. Post a copy of the policy in a conspicuous place that is readily available for reference by workers.

6. What should I do if I am harassed?

1. Don't ignore it.
2. Ask the harasser to stop.
3. Document each incident.
3. Use the workplace's rules and policies – follow the process in the employer's harassment prevention policy to raise your complaint.
4. Use other avenues – such as contacting the Occupational Health and Safety Division, the Saskatchewan Human Rights Commission, police, or a lawyer.

You can learn more by reading the Occupational Health and Safety Division's publication *Preventing Harassment at Work*. It is available through Saskatchewan Labour's website or from the office in Regina.