**FTR Views**

# Sexual Harassment in the Workplace [Video]

**Date:** September 28, 2018

In this #MeToo world, it is important that employers address issues relating to sexual harassment in the workplace in a timely and proactive manner. In this video, Nadine Zacks outlines several best practices for employers, ranging from the development of robust policies to leading by example. She also discusses the importance of providing training to employees and the need to act promptly when responding to allegations of harassment.

For more information on Sexual Harassment in the workplace, please visit our dedicated Sexual Harassment Topic Page.

## Transcript

Hi, my name is Nadine Zacks and today I will be speaking to you about sexual harassment in the workplace.

We are living in a #metoo, post-Harvey Weinstein world and workplace sexual harassment is now, more than ever, being discussed publicly. This is having significant impacts on employers, who are finding that:

- Employees are coming forward with complaints with more frequency
- There is increased pressure to conduct investigations and delivery reports immediately
- There is a lack of investigators, and
- There is increased desire for training and education in the workplace.

All of this means that these are issues that employers need to be talking about and addressing proactively and promptly.

I am going to walk you through some practical initiatives and strategies that employers can take to prevent or reduce claims of workplace sexual harassment.

### Your Statutory Obligations

As a starting point, it is important to remember an employer's statutory obligations. In Ontario, there are protections and obligations around sexual harassment in the workplace in the *Human Rights Code*, the *Occupational Health and Safety Act,* and, for federally regulated workplaces, the *Canada Labour Code*.

The *Human Rights Code* prohibits conduct and provides recourse and remedies for a complainant. Under the *Occupational Health and Safety Act*, employers are obligated to provide a safe workplace and to protect workers from harassment and violence, and the Act sets out procedures for employers to do this. The *Canada Labour Code* contains similar protections and prohibitions regarding workplace sexual harassment.

### Best Practices

So what are some best practices for employers to deal with workplace sexual harassment?

First, you have to understand the scope of your responsibilities and what constitutes the “workplace”. The workplace can extend well beyond the physical walls of your office or factory, and can include business travel, work-related gatherings, or other locations where the behaviour may have a substantial impact on the work relationship, environment or performance.

Secondly, develop robust policies. Human Rights Tribunal jurisprudence is clear that having a harassment and discrimination policy is part of an employer’s obligations under the Code and all employers subject to the *Occupational Health and Safety Act* are required to develop policies and programs and review them on at least an annual basis. Our lawyers can assist in ensuring that policies are both effective and satisfy an employer’s legal obligations.

Third, raise awareness in the workplace. Encourage constructive dialogue about workplace sexual harassment. Ignoring the issue and hoping it will never affect your workplace is counter-productive and could make it more difficult for victims to come forward. This in turn could put your workplace at risk. Instead, foster a workplace atmosphere that is receptive to the reporting of workplace sexual harassment, and emphasize that all complaints will be investigated and addressed as confidentially as possible.

Fourth, provide training to employees. This is legally required under the *Occupational Health and Safety Act*, and is important in any event in order to educate staff on the importance of reporting.

Fifth, act promptly. It is important to respond to allegations of workplace sexual harassment as soon as they are brought to your attention. Delay only exacerbates the situation and leaves the organization exposed. Take all complaints seriously, whether or not the allegations are filed in a formal complaint.

Sixth, offer quick and effective temporary measures to accommodate concerns of sexual harassment as soon as you learn of them and while the investigation is being completed. This might include temporarily altering reporting relationships, work locations, relieving the victim from attending work, or perhaps even suspending individuals with pay pending the outcome of the investigation. Don’t wait until the investigation is complete – if the allegations are founded, it will be too late.

And lastly, lead by example. Managers and supervisors should model appropriate workplace behaviours and foster a positive, inclusive work atmosphere. Address behavioural or workplace culture issues, and don’t condone any inappropriate behaviour when it occurs.

## Key Takeaways

In the end, the best ways to deal with workplace sexual harassment are to be proactive to prevent incidents from ever occurring, and handling them seriously, promptly and effectively when they do.

Thanks for listening and feel free to contact me if you have any further questions.

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