

# TOPNOTCH

EMPLOYMENT SERVICES INC.

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COMMITTED TO EXCELLENCE

## POLICY STATEMENT WORKPLACE HARASSMENT

Topnotch Employment Services is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace, including but not limited to, managers, supervisors, clients, workers and members of the public

**Workplace Harassment** means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.

### **Workplace sexual harassment means:**

1. engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
2. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Workers are encouraged to report any incidents of workplace harassment to their supervisor or department manager. If the supervisor / manager is the alleged harasser, then report to the next level of management or to your health and safety representative or Joint health and safety committee, whichever is applicable.

Management will investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

Managers, supervisors and workers are expected to adhere to this policy, and will be held responsible by the employer for not following it. Workers are not to be penalized or

disciplined for reporting an incident or for participating in an investigation involving workplace harassment.

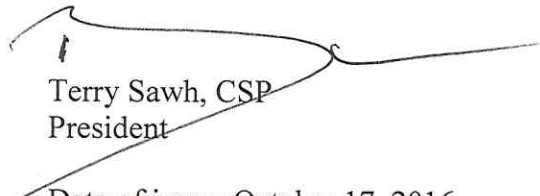
If a worker needs further assistance, he or she may contact the Joint Health and Safety Committee or Health and Safety Representative, Human Rights Legal Support Centre or the Workers Health and Safety Centre (MOL – 1-866-869-7950).

**SOURCE:**

- Ontario Occupational Health and Safety Act
- MOL Website

Policy revised October 2016 as per requirements of Bill 132

Sincerely



Terry Sawh, CSP  
President

Date of issue: October 17, 2016

Date of review: October 16, 2017

# TOPNOTCH

## EMPLOYMENT SERVICES INC.

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COMMITTED TO EXCELLENCE

### WORKPLACE HARASSMENT PROGRAM

Topnotch Employment is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace, including but not limited to, managers, supervisors, clients, workers and members of the public.

#### 1. Workplace Harassment

**Workplace harassment** means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.

#### **Workplace sexual harassment means:**

1. engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. Sexual harassment also includes any unwarranted attention of a sexual nature and harassment directed at women merely because they are female. It can include, but is not limited to degrading words, pictures or objects, physical contact, and / or sexual demands, name calling (e.g. “chick,” “bitch), unwarranted kissing or touching of a sexual nature, insulting remarks about the person’s sexual orientation, race, cultures and ability; or
2. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

**REASONABLE ACTION:** It is to be noted that reasonable action (e.g. work scheduling, annual performance review) taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

#### 2. Reporting Workplace Harassment

Workers, including temporary workers can report incidents or complaints of workplace harassment verbally or in writing. When submitting a written complaint, please use the attached complaint form. This form can also be downloaded from our website. When reporting verbally, the reporting

contact, along with the worker complaining of harassment, will be required to fill out the complaint form.

The report of the incident should include the following information:

- a) Name (s) of the worker who has allegedly experienced the workplace harassment and contact information;
- b) Name of the alleged harasser (s), position and contact information (if known);
- c) Names of the witness (es) (if any) or other person (s) with relevant information to provide about the incident (if any) and contact information (if known);
- d) Details of what happened including date (s), frequency and location (s) of the alleged incident (s)
  - i. Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint
  - ii. List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

### **3. Who to report Workplace Harassment to:**

Where a workplace harassment incident has to do with the internal staff of Topnotch Employment Services, the complaint should be filed with the Operations Manager. In such case where the operations manager is the alleged harasser, then the complaint should be filed with the Health and Safety Representative or the Employer.

If the workplace harassment complaint is levelled against the employer/owner of the business, the report should be filed with the operations manager or health and safety representative. Since both the operations manager and health and safety representative are under the direct supervision of the employer/owner, it would be necessary to retain an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace laws. The operations manager together with the health and safety representative will be responsible to ensuring the retention of the external person.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by the law

Where a workplace harassment incident involves a temporary worker, the complaint should be reported to the worker's immediate supervisor and filed with the office of Topnotch Employment by contacting the Health and Safety Representative or Operations Manager at 416-741-0066/416-741-2770; 2365 Finch Avenue West, Suite 207, Toronto, ON.

Where the immediate supervisor is the alleged harasser, the temporary worker should report the incident to the department's manager (if any) and file a complaint with the office of Topnotch Employment as stated in the foregoing paragraph.

## **4. INVESTIGATION**

### **A – Commitment to investigate**

Topnotch Employment Services will ensure that an investigation appropriate in the circumstances is conducted when the employer, operations manager and /or health and safety representative become aware of an incident of workplace harassment or receives a complaint of workplace harassment.

### **B – Who will investigate**

Management of Topnotch Employment Services will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the allegation of workplace harassment involves the employer/owner, the employer will refer the investigation to an external investigator to conduct an impartial investigation. If a senior employee of the company happens to be the alleged harasser and it is perceived that the integrity of the investigation is likely to be compromised by appointing an internal investigator, the employer will refer the investigation to an external investigator to conduct an impartial investigation.

### **C – Timing of the investigation**

The investigation must be completed in a timely manner and generally, within 90 days or less unless there are extenuation circumstances (e.g. illness, complex investigation) warranting a longer investigation.

### **D – Investigation process**

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

1. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
2. The investigator must thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser (s, if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
3. The alleged harasser (s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.
4. The investigator must interview any relevant witnesses employed by the employer who may be identified by either the worker who allegedly experienced the workplace harassment, the alleged harasser (s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.

5. The investigator must collect and review any relevant documents
6. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser and any witnesses.
7. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out the fact and come to a conclusion about whether workplace harassment was found or not.

## **E - Results of the investigation**

Within 10 days of the investigation being completed, the worker who allegedly experienced harassment and the alleged harasser, if he or she is a worker of the employer, will be informed in writing of the results of the investigation and any corrective action taken by the employer to address workplace harassment

## **F – Confidentiality**

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced harassment, the alleged harasser (s) and any witnesses should not to discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

**All records of the investigation will be kept confidential.**

## **G – Handling complaints**

Upon receipt of a complaint of workplace harassment, Topnotch Employment will review the nature of the complaint to determine what appropriate action should be to be taken before and during the investigation. Should the report of the investigation confirm a case of workplace harassment, Topnotch Employment will take disciplinary action against the harasser (s), including termination of employment as is deemed necessary.

## **5. Record keeping**

Management of Topnotch Employment will ensure that records of the investigation are kept, including:

1. a copy of the complaint or details about the incident;
2. a record of the investigation including notes;
3. a copy of the investigation report (if any);
4. a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if a worker of the employer;
5. a copy of any corrective action taken to address the complaint or incident of workplace harassment.


All records of the investigation will be kept confidential. The investigation documents, including the report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be kept for: Records will be kept for at least one (1) year.

**Date created:** October 24, 2016

**Annual review date:** October 23, 2016

Approved by



Terry Sawh, CSP  
President

Prepared by



Kaisree Takechandra  
Employment & Safety Coordinator