*Note: This Sexual Harassment Policy is a sample only, developed by the Nova Scotia Human Rights Commission for educational purposes. It is not intended to reflect the needs of all employers. Rather, it is meant to provide employers with a general guideline for the major provisions that should be included in an effective policy. Employers will need to adapt this policy or create entirely separate policies that best suit their individual organizations.*

SAMPLE SEXUAL HARASSMENT POLICY

**[INSERT NAME OF ORGANZATION]**

#### Statement of Policy

**[Insert name of organization]** seeks to provide a safe, healthy and rewarding work environment for its employees. Sexual harassment is unacceptable and will not be tolerated within our organization.

We have developed this policy to prevent sexual harassment and to deal quickly and effectively with an incident. Employees who violate this policy may be subject to a wide range of disciplinary measures, including dismissal for cause.

##### Definition of Sexual Harassment

Under the Nova Scotia *Human Rights Act*, "sexual harassment" means

(i) vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome,

(ii) a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome, or

(iii) a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.

Examples of sexual harassment that will not be tolerated include:

* 1. sexist jokes causing embarrassment or offence, told or carried out after the joker has been advised that they are embarrassing or offensive, or that are by their nature clearly embarrassing or offensive;
  2. leering;
  3. the display of sexually explicit material;
  4. sexually degrading words used to describe a person;
  5. sexually suggestive or obscene comments;
  6. unwelcome inquiries or comments about a person’s sex life;
  7. unwelcome sexual flirtations, advances, propositions;
  8. requests for sexual favours;
  9. unwanted touching.

##### Application

This policy applies to sexual harassment occurring at the workplace, in the course of work, or during any activities which could reasonably be associated with **[insert name of organization]** (including social events).

##### Informal Resolution

On occasion, sexual harassment can be dealt with directly and informally through communication with the person engaging in the unwelcome behaviour. Where employees feel comfortable doing so, they should communicate a clear message that the conduct or comments are offensive or unwelcome. However, **[insert name of organization]** recognizes that there may be circumstances where direct communication is inappropriate. Although informal resolution is encouraged where possible, it is not a prerequisite to making a sexual harassment report under this policy.

Where an employee does not wish to bring the matter directly to the attention of the person engaging in the unwelcome behaviour or where such an approach is attempted and does not produce a satisfactory result, the employee should report the sexual harassment as outlined below.

##### Making an Internal Sexual Harassment Report

Sexual harassment should be reported as soon as possible after experiencing or witnessing the behaviour. This allows the incident to be addressed in a timely manner.

Employees are encouraged to report any incidents to **[insert name of designated person at organization]**. If the [**insert name of** **designated person at organization]** is the person engaging in the sexual harassment, contact **[insert name of alternate designated person at the organization].**

Employees can report sexual harassment verbally or in writing. When reporting verbally, the company representative receiving the report will document the report in writing.

The report should include the following information:

* 1. name(s) of the person who has allegedly experienced sexual harassment;
  2. name(s) of the alleged harasser(s);
  3. names of any witnesses or other persons with relevant information about the incident and contact information (if known);
  4. details of what happened including date(s), frequency and location(s) of the incident(s);
  5. any supporting documents that the person making the report has which are relevant to this matter.

All reports of sexual harassment shall be kept confidential except to the extent necessary to protect employees, to investigate the complaint, to take corrective action or otherwise as required by law.

##### Investigation

**[Insert organization’s name]** will ensure that an investigation appropriate to the circumstances is conducted when a report of sexual harassment is made. Reports of sexual harassment will be investigated in a fair, respectful and timely manner.

The **[insert name of designated person at the organization]** will determine who will conduct the investigation. Depending on the allegations and the people involved, the investigation may be referred to an external investigator, or may be investigated by a **[insert organization’s name]** representative.

##### Outcome of Investigation

After the investigation is concluded, both the person making the report and the person alleged to have engaged in sexual harassment will be informed of the findings.

If **[insert organization’s name]** concludes that there has not been a violation of this policy, there will be no documentation concerning the report placed on the file of person alleged to have engaged in sexual harassment.

If **[insert organization’s name]** concludes that there has been a violation of this policy, the employee who violated the policy will be disciplined appropriately.

##### No Retaliation

Regardless of the outcome of a report made in good faith, the employee making the report as well as anyone providing information during an investigation will be protected from retaliation.

##### Reports Made in Bad Faith

A report made in bad faith shall constitute grounds for disciplinary action against the person making the report. A bad faith report is a report that is made with a conscious design to mislead or deceive, or with a malicious or fraudulent intent.

##### External Reporting Options

Employees also have external options to report sexual harassment. An employee may contact the Nova Scotia Human Rights Commission to make a complaint of sexual harassment, or may contact the police if they believe that criminal activity has occurred.