The Essentials of HR Law

NAME

EVENT NUMBER/DATE

Fred Pryor Seminars
division of PARK University Enterprises, Inc.

Phone 800-556-2998
www.pryor.com

DISCLAIMER: The principles and suggestions in this workbook and the THE ESSENTIALS OF HR LAW seminar are presented to apply to diverse personal and company situations. These materials and the overall seminar are for general informational and educational purposes only. The materials and seminar, in general, are presented with the understanding that Fred Pryor Seminars is not engaged in rendering legal advice. Employers with significant legal issues and questions about HR law should consult an attorney.

©2011 Fred Pryor Seminars, a division of PARK University Enterprises, Inc. All rights reserved. Registered U.S. Patent & Trademark Office and Canadian Trade-Marks office. Except for the inclusion of brief quotations in a review, no part of this book may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording or by any information storage and retrieval system, without permission in writing from PARK University Enterprises, Inc.
Table of Contents

An Overview of Federal Employment Laws .................................................. 1
Workplace Harassment ............................................................................. 2
What Is Sexual Harassment? ................................................................. 3
Conducting a Sexual Harassment Investigation ..................................... 4
The Fair Labour Standards ..................................................................... 5
Avoiding Discrimination ........................................................................ 6
Settlement Examples ............................................................................... 7
Effective Recruiting ............................................................................... 8
Safe Interviewing Practices ................................................................... 9
Employee Performance .......................................................................... 10
Drug Testing .......................................................................................... 11
Effective Disciplinary Sessions ............................................................. 12
Termination Guidelines ......................................................................... 13
Keep Legal—Safe Documentation ......................................................... 14
Downsizing and Layoffs ....................................................................... 15
Outsourcing ............................................................................................ 16
Performance Appraisal Systems ............................................................ 17
Documentation ........................................................................................ 18
Employment Insurance ......................................................................... 19
Public Sector Salary Disclosure Act (PSSDA) ........................................ 20
Quick Guide to Public Sector Salary Disclosure .................................... 21
Communicating Policies and Procedures .............................................. 22

Appendix
Example of an Anti-Harassment Policy Statement for Small Businesses .......... 24
Developing a Policy (medium – large businesses) .................................... 25
Recommended Resources ...................................................................... 28
An Overview of Federal Employment Laws

Federal

- Nondiscrimination and Affirmative Action Laws
- The Canadian Employment Equity Act
- The Canadian Human Rights Act
- Canadian Charter of Rights and Freedoms
- Canada Labour Code

Provinces and Territories

- Each Province and Territory has its own version of Ontario’s Fair Wages and Hours of Labour Act
- Each Province and Territory has its own Ministry of Labour, Health and Safety

Industrial Relations

- Industrial Relations Legislation in Canada

Workplace Health and Safety

- Occupational Health and Safety (Reports on Canadian Laws)
- *Canada Labour Code*, Part II
- Acts, Exclusions and Regulations
- Regulations Amending the Canada Occupational Health and Safety Regulations

Employment Standards

- Employment Standards Legislation in Canada
- *Canada Labour Code*, Part III and Regulations
- Whistleblower Protection

Additional Information

- Developments in Labour Legislation in Canada
- Employment Equity Legislation and Agreements
- Canadian Association of Administrators of Labour Legislation (CAALL)

Great Resource for Canadian Law

CanLII is a non-profit organization managed by the Federation of Law Societies of Canada. CanLII’s goal is to make Canadian law accessible for free on the Internet.

http://www.canlii.org/en
Workplace Harassment

Employers are legally responsible

To prevent and deal with harassment, and to limit the remedies assessed against it, an organization can:

- Educate employees and management about harassment; and
- Have an effective policy in place which includes a requirement to address any instances of harassment promptly, discreetly and properly.

Three Steps to a Healthy Workplace

1. Create the Climate
   a. 
   b. 
   c. 
   d. 

2. Set Up the Framework
   a. 
   b. 
   c. 

3. Maintain the Gains
   a. 
   b. 
   c. 
   d. 

What Is Sexual Harassment?

Sexual harassment includes:

Case Study: the costs of harassment

A woman in a trade was paid more than $100,000 by her employer as compensation for harassment and discrimination at work. She constantly faced sexist remarks, such as “this is a man’s job” and “women should be home doing dishes and washing,” as well as questions about her bathroom habits. As a result of the ensuing stress, she was forced to take extensive sick leave. Her sick leave resulted in a poor performance appraisal, and she was eventually fired.

Other female employees had also been subjected to sexist comments, and said their supervisors and male peers were rude or uncooperative. Some of them said their male colleagues had lied to them about job-related information.

The company had no anti-harassment policy and no staff trained to deal with harassment. As a result of the Canadian Human Rights Commission’s investigation and the settlement of the complaint, the company agreed to financial compensation for the complainant. It also agreed to develop an anti-harassment policy, set up an internal redress procedure, train staff to investigate complaints, create some positions whose mandate was to eliminate discrimination, and provide harassment awareness seminars for all its employees.

Do you agree with the Canadian Human Rights Commissions and companies’ settlement agreement?

Why?
Conducting a Sexual Harassment Investigation

1. Take all complaints seriously.
   - Do not discount anyone's concerns

2. Conduct the interview with the complainant.
   - Use the 5 “W”s

3. Summarize the interview.
   - Are you willing to file a formal complaint?
   - Is there anything you have not told me?

4. Gather additional information.
   - Contact any witnesses
   - Review your “no retaliation policy” and the duty of confidentiality

5. Interview the accused harasser.

Possible opening statements:

6. Conclude the investigation.
   - Reach a final decision and document your decision
   - Take the appropriate disciplinary action
   - Counsel everyone involved regarding your company policy and your final decision
   - Assure everyone involved that your organization will not tolerate retaliation
   - After the conclusion of the investigation and document follow-up, revisit the involved parties to ensure the problem has been re-mediated
The Fair Labour Standards

The Canada Labour determines fair labour standards in Canada for federally-controlled territories which comprise 10 percent of the jobs in Canada. Provincial laws and governing bodies regulate the remaining 90 percent of Canadian jobs.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work Schedule</td>
<td></td>
</tr>
<tr>
<td>Averaging Work Time</td>
<td></td>
</tr>
<tr>
<td>Employing Minors Under 17</td>
<td></td>
</tr>
<tr>
<td>Pay</td>
<td></td>
</tr>
<tr>
<td>Termination</td>
<td></td>
</tr>
<tr>
<td>Vacation</td>
<td></td>
</tr>
<tr>
<td>Overtime</td>
<td></td>
</tr>
<tr>
<td>Holiday</td>
<td></td>
</tr>
<tr>
<td>Leaves</td>
<td></td>
</tr>
</tbody>
</table>
Avoiding Discrimination

Protected classes are a group of people distinguished by special characteristics that have inhibited their progress, such as race, colour, ethnic identification, national origin, religion, sex, age, disability, and family or marital status.

- Age
- Physical or Mental Disability
- Gender
- National Origin
- Pregnancy
- Race/Colour
- Religion
- Marital Status
- Family Status
- Sexual Orientation
Settlement Examples

Ground(s): Disability
Area: Employment
Sector: Federal public service

Allegation:
The complainant alleged that his employer treated him differently after he suffered a mild heart attack. Although he received full medical clearance, he was denied opportunities for promotion, deployment overseas, and certain job postings. His employment was eventually terminated.

Settlement:
Financial compensation for pain and suffering.
Financial compensation for lost wages, including retroactive pay for a three-year period.

Ground(s): Disability
Area: Employment
Sector: Banking

Allegation:
The complainant has severe allergies to fragrances and chemical substance fumes. She alleged that while her employer implemented a fragrance-free policy in the workplace, it refused to fully accommodate her medical restrictions by extending the policy to customers entering the premises and/or eliminating all her face-to-face contact with the public. She eventually had to take a medical leave.

Settlement:
Financial compensation for general damages and lost wages.
Retirement package.
Outplacement counselling for three months.
Medical expenses.
Effective Recruiting

Question to Ask Yourself

1. Where are you recruiting your candidates?

2. Why or how might your recruiting methods be discriminatory?

3. What new ways can you use to recruit your candidates?

Resumé Red Flags

What to look for:

How to handle:

A new position is opening up in your company and a manager wants to hire someone from outside the organization. Do you have to open it up to the internal staff members first?
Safe Interviewing Practices

Ask only job-related questions of all candidates

- BFOR's are *bona fide* occupational requirements.

- Establish your BFOR's for each position.

- Examples of BFOR’s are:
  1. .................................................................
  2. .................................................................
  3. .................................................................
  4. .................................................................

Ask all candidates similar questions

- Create an interview checklist.

When can you test?

Medical. ................................................. Psychological. .................................................

Drug Test. ............................................. Lie Detector. ................................................

Aptitude. ................................................ Honesty Test. ........................................
Employee Performance

Three Key Areas of Employee Performance Gaps

<table>
<thead>
<tr>
<th>Three Key Areas</th>
<th>Possible Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attendance/Tardiness</td>
<td></td>
</tr>
<tr>
<td>Performance</td>
<td></td>
</tr>
<tr>
<td>Conduct</td>
<td></td>
</tr>
</tbody>
</table>
Drug Testing

The Canadian Human Rights Act prohibits discrimination on the basis of disability and perceived disability. Disability includes a previous or existing dependence on alcohol or a drug. Perceived disability may include an employer’s perception that a person’s use of alcohol or drugs makes him or her unfit to work.

Because they cannot be established as bona fide occupational requirements, the following types of testing are not acceptable:

- 
- 
- 
- 
- 

The following types of testing may be included in a workplace drug and alcohol testing program, but only if an employer can demonstrate that they are bona fide occupational requirements:

- 

The bona fide occupational requirement (BFOR) is the most common defence raised by employers against allegations of employment discrimination. In the Meiorin6 case, the Supreme Court of Canada set a new test for determining whether an employer has established a BFOR and satisfied the duty of accommodation short of undue hardship. Under the test, the following questions must be asked:

1. 

2. 

3. 
Effective Disciplinary Sessions

**Step 1: Preparation**
- Write down specific behavioral problems
- Know your company policy on progressive discipline

**Step 2: The Discussion**
- State the problem and the desired behavior
- Keep it short, to the point, and stick to recent events
- Generate a variety of possible solutions
- Reach an agreement with the employee

**Step 3: Documentation**
- Remember the burden of proof is on the company
- Have the employee sign the warnings or performance improvement plans
- Avoid words like “frequently” or “several;” use instead, “six times in the last three weeks”

What role does HR play in getting managers to adhere to consistent compliance practices?

Know your organization’s disciplinary actions and/or progressive discipline policy. Follow it consistently, follow the letter of the law, and provide feedback and support to all employees.

The subtle way your organization can be guilty of discrimination in disciplinary actions: **INCONSISTENCY!!!**
Termination Guidelines

Accusations of wrongful discharge land many employers in court. Fighting these charges is costly—if at all possible, it is better to avoid them completely.

Sidestep Charges of Wrongful Discharge

1. Treat the employee fairly and with dignity.

2. Have a witness present.

3. Only terminate for violation of a policy or if the employee has been counselled consistently on previous company practices/policies or performance issues.

4. Begin by stating the reason for the termination.

5. Provide documentation to the employee.

6. Document this meeting.

7. Discreetly escort the employee from the workplace.

8. Protect confidential matters, even when you are not required to do so—respect the employee’s privacy.

9. Do not apologize.

10. Follow all your company’s policies on terminations.

11. Be consistent.

One of your company’s managers has fired an employee who once had a stellar performance record with the organization. If she sues, what will you need to do to make this termination stand up in court?
Keep Legal—Safe Documentation

Knowing what documentation to provide when required by the courts, what documentation to keep, and what can be destroyed is critical to your company’s legal protection.

Elements of Good Documentation
- Objective and factual
- Completed paperwork—no blanks or incomplete forms
- First-hand testimony or accountings
- Dated and signed

The danger of building a file or paper trail after the fact

What to Destroy
1. Documents dated beyond record-keeping requirement periods
2. Inaccurate or false information

Create Legal Safe Files
How you keep documentation and files is just as important as what you keep.
1. Personnel files
2. Medical files
3. Benefits files
4. Payroll files
5. Confidential files
Downsizing and Layoffs

Acting rationally and intelligently when you are forced to downsize will help you avoid legal pitfalls.

Seven Steps

1. Make sure there are _______________ business reasons for the layoff.

2. Select a _______________ selection committee.

3. Stay _______________ with the selection committee.

4. Talk to _______________.

5. Highlight selection _______________ you will use to make your decisions.

6. Check and _______________ your final list for any potential _______________ claims.

7. Decide what _______________, if any, you will provide to the affected employees.

Avoid the pain and expense of lawsuits by ensuring you have the right people in place to carry the company through the lean times.
Outsourcing is the practice of contracting with an outside vendor to provide services or serve a function that has traditionally been provided by employees. With downsizing and changing technology, outsourcing has become more popular and efficient in recent years for many cost effective reasons.

**Caveat**
Outsource task/functions, but never outsource responsibility for knowledge. The employer is still jointly and severally liable for a vendor’s negligence. The employer must exercise reasonable care in the management of all vendors. AUDIT routinely.

**Reasons for Outsourcing**
- Control legal risk
- Short/long-term projects
- Eliminate permanent staff
- Reduce overhead expenses
- Need additional staff
- Take advantage of new technology
- Creative energy
- Access to expertise your organization does not have

**Working with Temporary and Contract Workers**
Performance Appraisal Systems

Performance appraisal systems make good management sense. A well-designed and judiciously implemented system does not impose a hardship on employees and is often seen by employees as a tool that helps them succeed.

The criticism

Do’s:

Don’ts:

The Goal or Purpose of the Appraisal Determines the System’s Value

1. Evaluate an employer’s performance at a given moment (e.g., at this time).
   • Addresses a performance problem or commends the employee for an accomplishment

2. Evaluate an employee’s performance over a given and identifiable period of time (e.g., during the past year).
   • Should be well documented throughout the year with specific behaviour examples or accomplishments to support the rating marks

Measuring Against Goals and Standards

A job description should drive the appraisal process or you have nothing to measure performance against.

1. The job’s criteria—experience or skills needed to do the job—should be related to the goal.

2. The job’s standards should be the measures by which an employee’s performance relative to the goals is measured.

Job standards and documentation are the two legal protections of a good appraisal system.
Several methods of evaluation contribute to the documentation of a person’s job performance.

<table>
<thead>
<tr>
<th>Ratings</th>
<th>Quality of work, quantity of work, attendance, leadership abilities, etc., are scored on a scale usually from 1 to 5.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narratives</td>
<td>Describes what a person did and how well or poorly s/he did it and explains the reasons why he/she received the rating.</td>
</tr>
<tr>
<td>Performance Files</td>
<td>Maintain a file of critical or significant incidents during the entire year.</td>
</tr>
<tr>
<td>Audit Systems</td>
<td>A built in method for checking out an evaluation’s validity.</td>
</tr>
</tbody>
</table>

There should be no surprises during a year end evaluation, and the performance file prevents this from happening. Give employees the opportunity to review their evaluation files and rebut them if necessary.

### Performance Systems

Every organization should have a minimum level of sophistication in its performance system.

1. Up-to-date, written, clear job or position descriptions that have been given to the employee at the start of the employee’s tenure in a given job or position.

2. Job standards communicated clearly to each employee at the start of each rating period.

3. Training for supervisors on how to evaluate employee performance and how to administer the organization’s appraisal system.

4. Performance feedback, both informally on a daily, weekly, or monthly basis, but definitely on an annual basis.

5. A review audit system to prevent bias or feelings from infiltrating the system.

6. Performance coaching and counselling systems administered by managers trained to give effective feedback and coaching or counselling.

7. Documentation through performance files, job-related testing, rating systems, appraisal forms, signed memoranda, etc.

8. Written policy statements approving only a specific procedure for conducting appraisals.
Employment Insurance

Employment Insurance (EI) provides temporary, financial assistance to unemployed Canadians who have lost their job through no fault of their own, while they look for work or upgrade their skills.

Canadians who are sick, pregnant, or caring for a newborn or adopted child, as well as those who must care for a family member who is seriously ill with a significant risk of death, may also be assisted by Employment Insurance.

Types of Employment Insurance Benefits

1. 
2. 
3. 
4. 
5. 

You may NOT be entitled to receive EI regular benefits if you:

• Voluntarily left your employment without just cause;

• Were dismissed for misconduct; or

• Are unemployed because you are directly participating in a labour dispute.
Public Sector Salary Disclosure Act (PSSDA)

Twelve types of organizations covered under the PSSDA:

1. 7.
2. 8.
3. 9.
4. 10.
5. 11.
6. 12.

Non-profit organizations receiving $1 million or more in funding are covered.

Organizations receiving between $120,000 and $1 million are included if the funding they receive is 10 per cent or more of their gross revenues.

Attestation to the Record of Employees’ 2009 Salaries and Benefits

This form is available on the Ministry of Finance website at: www.fin.gov.on.ca/en/publications/salarydisclosure

Statement That Organization Does Not Meet Funding Condition:

This form is available on the Ministry of Finance website at: www.fin.gov.on.ca/en/publications/salarydisclosure

A sample of the completed form is located in Section 2.4 of this guide. This form is available on the Ministry of Finance website at: www.fin.gov.on.ca/en/publications/salarydisclosure

Refer to page 21 to determine if your organization is required to submit this form.
Quick Guide to Public Sector Salary Disclosure

Is this a private-sector for-profit organization?

Is this organization or type of organization named specifically in the act or regulations?

Did this organization get at least $1 million during the year from the Province?

Did this organization get at least $120,000 during the year from the Province?

Did funding from the Province account for 10% or more of revenues?

Did this organization pay anyone a salary of $100,000 or more last year?

Organization must provide a record or names, positions, salaries and taxable benefits of employees paid $100,000 or more along with the Attestation to the Record of Employees’ Salaries and Benefits to funding ministries by fifth business day of March. Must make a copy of the record available to the public by March 31st.

Did this organization have any employees seconded to Ontario provincial ministries who earned $100,000 or more?

Not covered by act; submit Statement That Organization Does Not Meet Funding Condition to funding ministries.

Organization must submit by the fifth business day of March the supplementary Record of Employees’ Salaries and Benefits—Employees Seconded to Ministries that ministry.

Not covered by act; no action needed.
Communicating Policies and Procedures

A policy by itself is a guideline for making sound business decisions; it is not necessarily a call to take specific action. Make sure your organization’s policies can not be construed as establishing a contractual obligation.

Five Parts

<table>
<thead>
<tr>
<th>Policy</th>
<th>The policy statement itself</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedures</td>
<td>Steps used to apply or implement the policy</td>
</tr>
<tr>
<td>Management Responsibilities</td>
<td>What managers are expected to do, methods for monitoring or controlling how the policy statement is implemented</td>
</tr>
<tr>
<td>Consequences</td>
<td>Statements concerning what will happen in the event the policy is not enforced</td>
</tr>
<tr>
<td>References</td>
<td>To laws or legislation that maybe involved</td>
</tr>
</tbody>
</table>

A Policy Should Be:

Broad:

Comprehensive:

Liveable:

Inviolate:

Authoritative:

Applicable:
## Communicating Policies and Procedures

### Right and Wrong Statement Examples

<table>
<thead>
<tr>
<th>Wrong Way</th>
<th>Right Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical jargon or other complex language that employees may not understand</td>
<td>Short sentences using simple language that employees are familiar with</td>
</tr>
<tr>
<td>Legalistic language, even when it explains the law</td>
<td>A friendly, responsive tone</td>
</tr>
<tr>
<td>A choppy or abrupt style, using words like “obvious” and “of course”</td>
<td>Personal pronouns, like “you” rather than “the manager”</td>
</tr>
<tr>
<td>Ambiguous or fuzzy descriptions</td>
<td>Clear, ordinary statements that describe and convey exactly what the organization intends</td>
</tr>
<tr>
<td>Ambiguous or fuzzy descriptions</td>
<td>Action–oriented language expressed by active verbs</td>
</tr>
</tbody>
</table>

### Tips:

- **Technical jargon or other complex language that employees may not understand**
  - Short sentences using simple language that employees are familiar with

- **Legalistic language, even when it explains the law**
  - A friendly, responsive tone

- **A choppy or abrupt style, using words like “obvious” and “of course”**
  - Personal pronouns, like “you” rather than “the manager”

- **Ambiguous or fuzzy descriptions**
  - Clear, ordinary statements that describe and convey exactly what the organization intends

- **Ambiguous or fuzzy descriptions**
  - Action–oriented language expressed by active verbs
Appendix

Example of An Anti-Harassment Policy Statement For Small Businesses

Model Policy for Small Organizations
If you have a small organization, you may find this abbreviated anti-harassment policy more appropriate for your workplace than the model policy in section 3. It is written for distribution in XYZ Company, a fictitious organization.

Anti-Harassment Policy Statement
TO: ALL EMPLOYEES
DATE:
SUBJECT: Policy Statement for XYZ Company

Our commitment
At XYZ Company, we are committed to providing a safe and respectful work environment for all staff and customers. No one, whether a manager, an employee, a contractor, or a member of the public, has to put up with harassment at XYZ Company, for any reason, at any time. And no one has the right to harass anyone else, at work or in any situation related to employment. This policy is one step toward ensuring that our workplace is a comfortable place for all of us.

Harassment is against the law
The Canadian Human Rights Act and the Canada Labour Code protect us from harassment. The Criminal Code protects us from physical and sexual assault. You have a right to live and work without being harassed, and if you are harassed, you can do something about it.

Employees’ responsibilities
All employees have the responsibility to treat each other with respect, and to speak up if they or someone else is being harassed. All employees have a responsibility to report harassment to the appropriate person. All employees are responsible for respecting the confidentiality of anyone involved in a harassment complaint.

Managers’ responsibilities
Each manager and supervisor is responsible for fostering a safe working environment, free of harassment. Managers must set an example for appropriate workplace behavior, and must deal with situations of harassment immediately on becoming aware of them, whether or not there has been a complaint. Courts may impose penalties on the employer and the manager, even if neither of them was actually involved in or aware of the harassment but should have known about it. A manager that did nothing to prevent harassment or to mitigate its effects may find her or himself facing financial and legal consequences.

XYZ Company’s responsibilities
As an employer, XYZ Company also has a responsibility to be aware of what is happening in the workplace. As President, I promise to treat all incidents of harassment seriously. I undertake to act on all complaints and to ensure that they are resolved quickly, confidentially, and fairly. I will discipline anyone who has harassed a person or group of people or who retaliates in any way against anyone who has complained of harassment, given evidence in harassment investigations, or been found guilty of harassment. I will discipline managers who do not act properly to end harassment. At XYZ Company, we will not put up with harassment.

Sincerely, Ms/Mr ABC, President.
Appendix

Developing a Policy
Medium–large businesses

Consultation with unions, employee representatives or employees about content of policy, penalties and remedies, identity of anti-harassment counselors

Content Of The Policy

Policy statement – management supports a harassment-free workplace

The law

Employees’ responsibilities and rights

- the right to a harassment-free workplace
- the responsibility to treat other employees with respect
- the responsibility to speak up when harassment occurs
- the responsibility to report harassment to the appropriate person
- confidentiality

Supervisors’, managers’, and employers’ responsibilities

- treat all employees, clients, suppliers, contractors with respect
- report or investigate all complaints
- set a good example
- refuse to tolerate harassment

An undertaking that allegations of harassment will be dealt with seriously, speedily and confidentially

Descriptions of harassing behavior

Procedures

- practical guidelines for employees and management
- informal and formal ways of proceeding
- encourage employees to choose the informal approach first
- mediation
- detailed steps to be taken in complaints
- time frames
- who is responsible for decisions
- appeals
- information about other agencies that deal with harassment
Appendix

Developing a Policy
Medium–large businesses

Remedies, corrective action, and safeguards

- possible remedies
- the range of penalties for a harasser
- whether information about the complaint will be included in a harasser’s file
- information about the complaint will not be put in the complainant’s personnel file, when complaint is in good faith

Protection against victimization or retaliation for employees who complain of harassment, or who testify in an investigation

Selection of counselors and investigators

The following issues should be considered during the selection of anti-harassment counselors, mediators and investigators

- are trusted by employees
- are outside chain of command or line management
- whether they are employees or outside contractors
- have appropriate experience and training
- will ensure confidentiality
- can be reached easily by employees
- whether they will deal with informal or formal complaints
- whether they will mediate
- whether they will investigate
- to whom they report
- whether they will advise management
- whether they will educate employees
- what their role is in advising management about specific cases of harassment
- do not fulfill double roles, e.g., do not do both mediation and investigation; do not represent the organization at a human rights hearing
Appendix

Education

Communication and circulation of the policy to all employees and managers, current and new, through

- orientation or information session
- staff meetings
- memos or e-mail
- pay slip notices
- films
- posters
- videos
- brochures

Education of all staff

- training managers to react appropriately, handle cases of harassment appropriately, maintain the anti-harassment atmosphere
- training employees to respect each other, maintain the anti-harassment atmosphere
- training harassment counselors and investigators to perform their respective roles
- make ongoing, anti-harassment training part of other training sessions, such as: management training, induction programmes for new employees, courses for union-management committees, social skills training for employees, assertiveness training for women employees or others

Monitoring

A commitment to periodic review of the policy

- openness to employee comments
- solicitation of feedback from counselors, managers, and employees
- exit interviews with personnel leaving the organization
- make necessary adjustments to policy and procedures
Recommended Resources

Audio/Video/CD


Evelyn Wood Reading Dynamics. Shawnee Mission, KS: Evelyn Wood Reading Dynamics/Fred Pryor Seminars.

How to Deal With Difficult People. Shawnee Mission, KS: CareerTrack Publications.

How to Deal With Negativity in the Workplace. Shawnee Mission, KS: Fred Pryor Seminars.


How to Overcome Negativity in the Workplace. Shawnee Mission, KS: CareerTrack Publications.


Seven Habits of Highly Effective People. Dr. Stephen Covey. Niles, IL: Nightingale-Conant.


The Ultimate Employer. Petaluma, CA: KnowledgePoint.