

# Eight Organizational Best Practices to Prevent and Manage Harassment

A proactive approach to prevent and manage harassment/workplace violence in an organization is important. This is a reference document for CMA members and includes useful tips if dealing with a harassment complaint. The Eight Organizational Best Practices to Prevent and Manage Harassment do not purport to replace legal advice or to provide legal guidance. Marketers should inform themselves about relevant laws that apply in their jurisdiction.

### 1. Inoculate against harassment through positive corporate culture.

Inoculate your workplace against harassment by fostering open communication and respect at all levels of the organization. Research shows that high-risk working conditions for harassment include environments characterized by:

- interpersonal conflicts or incompatible relationships;
- frequent labour-management disputes;
- the perception of mistreatment among individuals; and
- abusive supervisory leadership behaviours

Witness response, whether through action or inaction, is a good indicator of the organization's tolerance for harassment.

Ensure there is public commitment from senior leaders to prevent harassment and that management creates an environment where employees feel safe to speak out.

### 2. Keep your harassment policy current and remind employees regularly of its content.

Most employers currently have a policy statement that defines and condemns harassing behaviour, but the law and societal norms evolve over time, so be sure to review your organization's anti-harassment policy on an annual basis. For instance, the Ontario Human Rights Commission released an updated policy in 2011, with guidelines regarding gender-based harassment, harassment based on traditional heterosexual gender norms. Where appropriate in the context of the workplace environment, organizations may need to strengthen employee understanding of their policies by providing meaningful examples such as inappropriate texting ("sexting") as an example of harassment.

Be sure your policy applies to your organization's relationship with third parties, such as tenants, suppliers and clients, as well as to employees. You should send out the policy to all employees once a year as a reminder that your organization does not tolerate harassment.

#### 3. Educate your employees about harassment and do this more than once.

All newly-hired employees should receive basic information about workplace violence/harassment as part of their initial orientation. They should then attend a more extended awareness session in the following weeks. This training should include an overview of the workplace anti-violence/harassment policy, including disciplinary consequences. Examples of unacceptable behaviour should be provided because some people are unaware of the



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harassing nature of their own words and actions. The training should address the role of hierarchy and power since studies have shown that support staff are more likely than professionals to experience sexual harassment.

Finally, it is critical that employees be informed of the steps to take if they are harassed or witness harassment. Understanding the complaint process will allow individuals to come forward more comfortably if required.

### 4. Set expectations for your supervisors and provide them with the support they need.

Managers, by their example, are largely responsible for creating a safe and respectful workplace, so hire, reward and promote with this in mind. When managers make it clear that they will not tolerate harassing conduct, problem behaviours are less likely to occur.

Hold managers accountable for reporting and responding to all incidents or potential incidents of violence/ harassment, even if there is no formal complaint. You should provide managers with extended training on how respond to incidents of harassment, as well as how to monitor for signs of bullying and harassment.

### 5. Invest in an effective complaint process and share it with your employees.

Organizations should develop a harassment complaint procedure that allows alternative channels for complaints. For example, employees could be told to speak to their supervisor first, with a human resources manager given as an alternate contact. Employees should be provided with options of informal resolution in addition to formal investigation.

The complaint procedure should specify a different response, depending on the allegation and the levels of the employees. For example, the complainant's manager could handle a complaint involving an inappropriate remark, but an external consultant would be hired to investigate an allegation of sexual coercion by a senior manager.

Finally, the complaint process should be communicated to staff. You should ensure the steps and points of contact for reporting harassment are kept up to date and accessible in a variety of places, such as the orientation guide, the company intranet home page and the lunch room.

### 6. Take quick action in response to complaints.

There are in-depth courses available on investigating harassment complaints, but, swift action is expected by organizations to deal with the parties fairly and to maintain confidentiality as much as possible. You should request written statements from all the parties, including witnesses, while memories are fresh, and provide emotional support, such as the employee assistance program, to the complainant and the respondent.

Two of the larger legal risks – which are still minor compared to the liability for ignoring the problem – are how to deal with parties in the interim and the investigation process itself. Be sure



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to consult generously with HR and legal experts to avoid later legal challenges, such as for constructive dismissal. If one of your internal resources is conducting the investigation, make sure he or she has been properly trained, is given time to complete it quickly and is impartial.

### 7. Follow through after the investigation.

If there is a finding of harassment, after a thorough investigation, it is critical that you follow through with the appropriate level of discipline, again consulting with specialists if required.

If there is insufficient evidence to support the complaint, the complainant and the alleged harassers should be briefed about the outcome of the investigation. This helps to put closure on the matter and prevent innuendo. It also helps send a message of evenhandedness about the process and does not discourage others from coming forward with complaints.

Regardless of the finding, you will need to closely monitor the work environment. Of course, you need to be vigilant to reprisals or additional harassment. You may also need to bring in conflict management support to restore positive working relationships in the workplace unit since factions often form during these events.

### 8. Be vigilant to subtle signs of bullying or harassment.

Tour the premises regularly to gain a feel for staff morale. Take notice if there is an increase in "small" problems that are brought to your attention, a decrease in meeting participation or general negativity in the workplace. In many cases, harassment is still not being reported, so be alert to increased staff turnover, transfer requests or leave utilization, particularly from more junior staff.