

ADDRESSING SEXUAL HARASSMENT IN CANADIAN MINING

REPORTING SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE

Employers have a legal duty to prevent harassment and violence and to respond to both concerns and complaints of sexual harassment and gender-based violence in the workplace.

In a workplace with a positive reporting culture, concerns, incidents and complaints of sexual harassment or gender-based violence are encouraged, taken seriously, and handled in a respectful, confidential manner using a trauma-informed approach. Policies and procedures ensure that all parties are treated fairly and protected from reprisals for reporting or sharing information related to an incident as well as from malicious complaints. Finally, each situation provides an opportunity for an organization to test the robustness of its policy, procedure and workplace culture and to take steps to prevent future incidents.

There are often various mechanisms for reporting sexual harassment or gender-based violence experienced at work. Companies may provide the subject of harassment with the option to address concerns through informal steps or via a formal complaint. While informal mechanisms may be considered in response to initial or minor incidents, a subject of harassment has the option to proceed with a formal complaint at any time.

Informal Resolution Can Involve:

- 1) Raising the subject of harassment's concern with the alleged harasser, if they feel comfortable and safe doing so. This may be done verbally or in writing, indicating that behaviour(s) or action(s) are unwelcome and asking the person to stop.
- 2) Expressing concern or communicating incidents in conversation with human resources (or the designated area of responsibility), the subject of harassment's direct supervisor, union representative, a secondary supervisor, or another trusted management party if the alleged harasser is part of the reporting structure. Many companies also have a confidential reporting mechanism such as a telephone line.
- 3) Working with people in roles identified above to:
 - a. Strategize ways to communicate directly with the alleged harasser.
 - b. Communicate with the alleged harasser.
 - c. Access mediation/conflict resolution.
 - d. Access counselling or other appropriate workplace or community supports.
 - e. Learn about/initiate formal complaint process.

Formal Complaints Can Include:

- 1) Reporting information about the incident(s) whether through a call-line or as a written complaint by completing an existing form or writing a letter of complaint including details about the incident (date, time, location, etc.)
- 2) Meeting with human resources staff, union representatives and/or their supervisor to understand/review their concern/complaint and advise them of the reporting and complaints process.
- 3) Participating in an investigation by a neutral, third-party including involvement in investigation meetings and/or answering questions related to the incident(s).
- 4) Receiving a summary report of an investigation and/or decision about the complaint.
- 5) Participating in remedial measures such as mediation, an apology, counselling or change in work location or reporting structure, subject to the outcome of an investigation.

The designated person in the company responsible for addressing concerns regarding sexual harassment and gender-based violence can discuss options for additional steps, which may include filing a grievance, a complaint with provincial or federal human rights commissions, or filing a criminal complaint with the police.

References

Government of Canada. (2021). Guide on Applying the Harassment Resolution Process.
<https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/harassment-violence/guide-applying-harassment-resolution-process.html>

Ontario Ministry of Labour. (2016). Workplace Violence and Harassment: Understanding the Law.
https://files.ontario.ca/wpvh_guide_english.pdf