



Workplace Harassment

All employed persons are entitled to employment free from workplace harassment. Workplace parties must work to provide a healthy, harassment and discrimination-free work environment.

What is Workplace Harassment?

According to the Newfoundland and Labrador (NL) Occupational Health and Safety (OHS) Regulations, workplace harassment means inappropriate vexatious conduct or comment by a person to a worker that the person knew or ought to have known would cause the worker to be humiliated, offended or intimidated.

Examples of Harassing Behaviour

- Unwelcome conduct, comments, gestures or contact which causes offense or humiliation.
- Deliberate mis-gendering by referring to a person using terms or pronouns that do not align with the person's affirmed gender.
- Physical or psychological bullying which creates fear or mistrust, or which ridicules or devalues the individual.
- Exclusion or isolation of individuals.
- Intimidation such as standing too close or making inappropriate gestures and/or comments.
- Cyber-bullying such as posting offensive or intimidating messages through social media or e-mail.
- Deliberately setting the individual up to fail.
- Intentionally withholding information or giving the wrong information.
- Taking away work or responsibility without cause.
- Displaying or circulating offensive pictures or materials in print or electronic form.

What is Not Workplace Harassment

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment. Examples include:

- changing work assignment and/or scheduling,
- assessing and evaluating work performance,
- inspecting workplaces,
- Implementing health and safety measures, or
- taking disciplinary action with just cause.

Employer Responsibilities

The NL OHS Regulations require an employer to develop, implement and maintain a written harassment prevention plan in consultation with the OHS committee, the worker health and safety representative or the workplace health and safety designate.

It is the responsibility of any person supervising one or more workers to ensure the health and safety of workers by applying and complying with the harassment prevention plan.

This harassment prevention plan must be accessible to all workers and be reviewed as necessary, at least annually.

The employer must take immediate and appropriate action to deal with incidents of harassment whether brought to their attention or personally observed.

At least one management representative must participate in training relating to harassment prevention, and ensure that training is provided to workers regarding harassment prevention and the company specific harassment prevention plan.

Worker Responsibilities

Workers have a role to play in the prevention of workplace harassment. Workers are obligated to take reasonable care to:

- not engage in bullying or workplace harassment,
- report observations or experiences of bullying and workplace harassment, and
- comply with the company specific harassment prevention plan.

Harassment Prevention Plan

Review the company's harassment prevention plan with workers.