

# Leq'á:mel First Nation

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## Leq'á:mel First Nation Sexual Harassment Policy

Leq'á:mel First Nation recognizes the importance of policy to address employee and community concerns related to sexual harassment in the workplace, and strives to provide a safe atmosphere for each and every employee and member within the organization and in particular within the administration offices. Leq'á:mel First Nation is a federally regulated workplace, and as such has adopted the Canada Labour Code policy with regards to Sexual Harassment. However, Leq'á:mel First Nation acknowledges that this code provides only minimum standards for workplace safety in this regard, and is currently reviewing several policy templates for adoption by the Council.

## **CANADA LABOUR CODE STANDARDS – SEXUAL HARASSMENT**

The Canada Labour Code establishes an employee's right to employment free of sexual harassment and requires employers to take positive action to prevent sexual harassment in the workplace.

### **1. Division XV.1 – Definition of Sexual Harassment**

Sexual harassment is defined as any conduct, comment, gesture, or contact of a sexual nature

- a) that is likely to cause offence or humiliation to any employee; or
- b) that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

### **2. Protection** – under the *Canada Labour Code*, every employee is entitled to employment free of sexual harassment.

### **3. Employer's responsibilities**

Employers are required to make every reasonable effort to ensure that no employee is subjected to sexual harassment. Every employer, after consulting with employees or their representatives, must issue a policy on sexual harassment. The policy may contain any terms consistent with the tenor of this Section the employer considers appropriate, but must contain the following:

- a) A definition of sexual harassment that is substantially the same as the definition above;
- b) A statement to the effect that every employee is entitled to employment free of sexual harassment;
- c) A statement to the effect that the employer will make every reasonable effort to ensure that no employee is subjected to sexual harassment;
- d) A statement explaining how complaints of sexual harassment may be brought to the attention of the employer;
- e) A statement to the effect that the employer will not disclose the name of the complainant or the circumstances related to the complaint to any person unless disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation to the complaint;
- f) An explanation of the employee's right to make a complaint under the *Canadian Human Rights Act*.
- g) Every employer shall make each person under the employer's direction aware of the policy statement required under this section.

## **CANADIAN HUMAN RIGHTS ACT – SEXUAL HARASSMENT**

Under the *Canadian Human Rights Act*, every person in Canada is protected against acts of harassment at their place of employment, and at any place that provides goods, services, facilities, or accommodation.

Harassment may be related to any of the discriminatory grounds contained in the *Canadian Human Rights Act*. Such behaviour may be verbal, physical, deliberate, unsolicited or unwelcome. It may be one incident or a series of incidents.