

APPENDIX A: Guidelines for determining what may constitute harassment

The following questions may help to assess whether the conduct (act, comment or display) constitutes harassment:

- Would a reasonable person view the conduct as unwelcome or offensive?
- Did it demean, belittle or cause personal humiliation or embarrassment?
- Is it a single incident or is it a series of incidents over time?

| What generally constitutes harassment includes, but is not limited to: | What <u>may</u> be harassment includes, but is not limited to: | What is <u>not</u> generally considered harassment includes, but is not limited to: |
|---|---|---|
| Rude or offensive remarks, put-downs or insults to a person | Personality conflicts - conflicts do not usually constitute harassment; however if managed poorly or left unresolved, they can escalate to harassment | The legitimate and proper exercise of management's authority or responsibility |
| Displaying sexist, racist or other offensive pictures, posters or sending offensive or degrading emails | Criticizing an employee in public (this includes commentary on online blogs and social networking sites such as Facebook and MySpace) | Legitimate and constructive feedback regarding work performance |
| Spreading rumours about someone or statements damaging to a person's reputation (this includes commentary on online blogs and social networking sites such as Facebook and MySpace) | Exclusion from group activities or assignments | The manager's required day to day management of absenteeism, tardiness and leave entitlements. |
| Actual or threatened physical assault (this may be a Criminal Code offence) | A single or isolated incident such as an inappropriate remark or abrupt conduct | Organizational changes that are justifiable from an economic viewpoint and they are made in a non-discriminatory manner |
| Stalking (this may be a Criminal Code offence) | Repeatedly singling out an employee for meaningless or "dirty" jobs that are not part of their normal duties | Disciplining staff in accordance with the employer's right to manage |
| | | Manager's right to assign tasks |