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NEWSLETTER

Issue 35

Harassment in the Workplace

What is harassment?

Harassment comes in many forms. It can include words, gestures, intimidation, inappropriate comments, threats, displaying sexist or racist pictures, and even physical violence. In general, harassment is *any unwelcome behaviour that demeans, embarrasses, humiliates, annoys, alarms or verbally abuses a person.* (Definition from the *Canadian Centre for Occupational Health and Safety* web site.)

Some of the men in Martha's workplace have posters of near-naked women at their desks. They make jokes and comments about them that make Martha feel uncomfortable.

Jim's new boss seems to be singling him out. He is constantly complaining about the quality of Jim's work and making negative comments in front of the other staff. Once he tore up a report and threw it at Jim while he was eating in the lunchroom. Jim felt humiliated and embarrassed.

A person may be harassed because of their race, religion, gender, or sexual orientation, but the most common form of harassment in the workplace today – workplace bullying – does not single out any one group of people. Workplace bullying can happen to anyone at anytime, and can be very destructive to the victim, the work environment and the company's bottom line.

Khalid is Muslim, and lately one of his co-workers has been making jokes about his "terrorist connections". Khalid spoke to a co-worker about it and was told that this woman jokes with everyone, and doesn't mean any harm.

How am I protected?

Employers are required by the Canada Labour Code to develop their own policies and guidelines on harassment. These policies should include definitions of harassment and procedures for dealing with complaints. These policies should also protect you from harassment by non-employees, such as clients, customers, outside contractors and other members of the public.

There are federal and provincial laws that protect you from harassment related to work, such as the Canadian Human Rights Act, provincial human rights laws, and the Canada Labour Code.

However, the Canadian Human Rights Act and many provincial laws only apply to harassment that is based on race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation. These laws may not protect you from all forms of workplace bullying.

Even though an estimated one in ten workers have experienced some form of workplace bullying, federal and provincial labour laws have been slow to respond. When faced with harassment that doesn't fit into the human rights definition, employees are often left with only their own organization's harassment policies for defence.

** Permission to photocopy with credit given to Jennifer McCarthy, Family Service Canada Consultant.*

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Fortunately, there are signs of change. In June 2004, Quebec became the first province in Canada to outlaw psychological harassment in its Labour Standards Act. They even set up a special unit to investigate the more than 1,500 complaints they expect to receive each year. The new law will hold employers responsible for their employees' conduct, and give out fines of up to \$10,000 to organizations that do not protect their staff from harassment.

What can I do if I am being harassed?

If someone at your workplace is doing something that makes you feel uncomfortable, don't ignore it. Tell the person exactly which behaviour is making you feel uncomfortable and ask them to stop. In some cases, people who are being harassed allow the situation to escalate because they feel they may be "imagining" it, or that it's all a misunderstanding. Remember, harassment is about *how the behaviour makes you feel*, not why the other person is doing it. Trust your instincts and speak up when you feel something is wrong.

If the harassment doesn't stop, there are many other informal ways to deal with the situation. First of all, you can speak to a trusted supervisor, colleague or union representative within the company and explain the situation. Getting advice from a supportive and neutral person may help you deal with the situation on your own.

If you are too intimidated to speak directly to the harasser, then consider writing him or her a letter. This is a good way to explain how you feel because it allows you to take your time and express yourself in a clear, firm and cool-headed manner. It also creates a paper document that proves you made the person aware of the problem. This may become useful later on, if you decide to lodge a formal complaint.

If your harasser doesn't stop the behaviour, it is a good idea to keep a journal or diary of all the incidents that made you feel degraded or uncomfortable and what you did about each. Be sure to mark down dates and times, and note

whether there were any witnesses to them. If the harassment does not stop, find out who deals with harassment in your workplace through the workplace harassment policy and make a complaint. At this point, you may still be able to deal with the situation informally, but if things continue to get worse don't be afraid to make a formal complaint to your supervisor, human resources representative, union representative, or company higher-ups.

If you feel your company is not able or willing to resolve the situation, you may also complain to a government agency. If your harassment is based on race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation, you may lodge a formal complaint with the Canadian Human Rights Commission. If not, you should get in touch with the agency in your province or territory that governs labour standards. They will be able to tell you what options you have, and help you deal with the situation.

What can I do if I am accused of harassment?

If you are the one accused of harassment, it is extremely important that you find out exactly what behaviour is making the person uncomfortable, and stop it immediately.

You may not understand why the person has complained, or feel there has been a misunderstanding, but remember that jokes and comments that are acceptable to some people, may be unacceptable to others. No matter how innocent your intentions were, if a behaviour is unwelcome by the victim and causes them to feel uncomfortable, embarrassed or degraded, *it is harassment*.

Go to your supervisor, personnel officer or union representative and talk to them about the complaint. Ask them to work with you to resolve the situation informally. An apology during a meeting with your colleague and supervisor may be all that is needed to solve the problem.

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If the harassment complaint goes through a formal process, co-operate fully with the person conducting the investigation. Learn about the process and the potential results, and discuss these with your supervisor, personnel officer or union representative.

What can I do to prevent it?

Overall, the best way to stop workplace harassment is to prevent it from ever happening in the first place. Bullying and other forms of unacceptable behaviour tend to thrive in environments where no one intervenes to help the victim. Workplaces that have open lines of communication between management and staff, written policies on harassment, and clear expectations of staff behaviour are less likely to see problems.

While you may not have the power to write company guidelines, you can ask to see your company's harassment policies and have them posted somewhere everyone can easily see them. If the policies are vague, or if they don't exist at all, you can encourage your organization to improve the situation.

Explain the importance of preventing harassment in the workplace. Harassed employees waste between 10 to 52 % of their time at work dealing with, or thinking about, their problem. They are also more likely to take sick leave due to stress-related illnesses. Add all that unproductive work time to the low workplace morale that often accompanies workplace bullying, and you get a company that's becoming less productive every day!

By writing policies and then communicating these policies to staff, an organization can create a working environment that drastically reduces

workplace harassment. Ideally these policies should:

- Be developed by management and employees together.
- Apply to everyone in the organization.
- Include clear definitions of harassment with concrete examples.
- State the consequences of such behaviour.
- Provide an outline for dealing with harassment complaints.
- Encourage employees to report incidences of harassment.
- Set up methods to protect the privacy of everyone involved in the complaint.

Harassment doesn't just affect individuals. It creates negative work environments, stresses employees, and, ultimately, lowers company productivity and profits. It is everyone's responsibility to ensure their workplace is a safe and comfortable environment for all employees. Learn your rights, speak up and stop harassment now.

Online Resources:

1. *Canada Safety Council*: <http://www.safety-council.org/info/OSH/bullies.html>
2. *Canadian Centre for Occupational Health and Safety*: <http://www.ccohs.ca/oshanswers/psychosocial/bullying.html>
3. *Canadian Human Rights Commission*: <http://www.chrc-ccdp.ca>
4. *Canadian Labour Congress*: <http://www.workrights.ca> / <http://www.mesdroits.ca>
5. *Education Wife Assault (focuses on prevention of all kinds of abuse)*: <http://www.womanabuseprevention.com/html/harassment.html>
6. *Workplace Bullying and Trauma Institute*: <http://www.bullyinginstitute.org/>

Family Services offers confidential professional assistance on a wide variety of personal and work-related issues. For more information on your EAP, call:

1-800-668-9920