

Harassment in the Workplace

Its Against the Law

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What is Harassment?



- Harassment is a form of discrimination
 - It involved, physical or verbal behavior that offends or humiliates an individual
- Prohibited Grounds of discrimination:
 - Age, Race, Religion, Colour, Sex, Sexual Orientation, Gender Identity or Expression, Marital Status, Family status, Political Belief - association or activity, Disability, Genetic Characteristics, Physical Appearance, Nationality, Ancestry or Place of Origin, a conviction for which a pardon has been granted or a record suspended

It's Against the Law - Canada



- Prohibited Grounds of Discrimination are protected statuses by Canadian laws - under The Canadian Human Rights ACT of 1985.
- The legal definition of harassment is that it is a form of discrimination that involves physical or verbal behavior that offends or humiliates an individual
- In Canada - Harassment is outlined in the Criminal Code (s264) as;
 - 264(1) No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.
 - (2)The conduct mentioned in subsection (1) consists of
 - repeatedly following from place to place the other person or anyone known to them;
 - repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
 - besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
 - engaging in threatening conduct directed at the other person or any member of their family.

Definition of Harassment

-As per Health & Safety
Canadian



- Objectionable conduct that creates risk to the health of the worker
- Severe conduct that adversely affects a worker's psychological or physical well-being.
 - MB - Workplace Safety and Health
 - ON - Ministry of Labour
 - BC - Work Safe BC

Its Against the Law - US



- Prohibited Grounds of Discrimination are all protected statuses by US laws - under Title VII of The Civil Rights Act of 1964 and its amendments.
- Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where
 - 1) enduring the offensive conduct becomes a condition of continued employment, or
 - 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- Discrimination Laws are Federally enforced by;
 - Title VII of the Civil Rights Act of 1964 (Title VII)
 - The Age Discrimination in Employment Act of 1967 (ADEA)
 - Sections 102 and 103 of the Civil Rights Act of 1991
 - The Genetic Information Nondiscrimination Act of 2008 (GINA)

Frontier's Harassment Policy



- Frontier is committed to providing a work place environment in which all employees are treated with respect and dignity.
- Each employee has the right to work in a professional atmosphere, which promotes equal opportunities and prohibits discriminatory actions.
- The company will not tolerate harassment.
- Any employee, regardless of seniority or position, who has been found to have engaged in conduct constituting harassment faces severe disciplinary action, which may include dismissal.

Employee Rights and Responsibilities



- Employees are entitled to a workplace free of harassment.
- Employees have the responsibility to treat each other with respect. We ask that any employee who experiences harassment or sees another person harassed reports it to Human Resources at Frontier.
- Employees are responsible to co-operate in the investigation of a harassment complaint. Anyone who investigates or gives evidence in a complaint investigation is asked to keep details confidential during the investigation/resolution process.
- All employees have the right to file a complaint under their provincial Human Rights Commission or Tribunal and/or their provincial Health and Safety Governing Entity.
- All employees have the right to confidentiality.

Employer Responsibilities



- Management at Frontier must ensure, as much as possible, that no employee is harassed in the workplace.
- Management will take corrective action with anyone under their direction who harasses another person.
- Management will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to anyone except where disclosure is:
 - Necessary to investigate the complaint
 - A part of taking corrective action
 - Required by law

Harassment Occurs When Someone:



- Makes unwelcomed remarks about ones race, religion, sex, age or any other grounds of discrimination
- Threatens or intimidates you because of your race, religion or any other grounds of discrimination.
- Makes unwelcomed physical contact with you such as touching, patting or pinching

Examples of Harassment:



- Sharing inappropriate jokes, e-mails or images
- Unwanted gossip about an individual
- Making negative comments about a person's religious beliefs or trying to convert them
- Using racist slang, phrases or nicknames
- Consistently touching one's shoulder after being asked not to

Bullying is Harassment



- What is considered bullying?
 - Repeated humiliation or intimidation that adversely affects a worker's psychological or physical well being
 - A single instance so serious that it has a lasting, harmful effect on a worker
- Examples of Bullying:
 - Yelling or abuse
 - Making someone the brunt of teasing, pranks or practical jokes
 - Tampering with personal effects or equipment

What is not Harassment?



Reasonable, actions by managers or supervisors to help manage, guide or direct workers or the workplace are not harassment. Appropriate employee performance reviews, counseling or discipline by a supervisor or manager is not harassment.

The statistics on Bullying...



- Men & Women bullied/bully in equal numbers
- Women bullies target women 84% of the time
- Men bullies target women 69% of the time
- Vast majority of bullies are in a position of power (81%)
- Bullying is a contributing factor to employee resignations

What is Sexual Harassment?



- Any form of unwelcomed sexual behavior that makes a person feel uncomfortable, humiliated, intimidated or embarrassed
- Includes:
 - Uninvited touching
 - Sexual or suggestive comments, jokes, etc.
 - Asking about a person's private life - more than the norm
 - Displaying sexually explicit material
 - Staring, leering or stalking
 - Sex based insults, taunts, teasing etc.
 - Offensive communications

What is Not Sexual Harassment?



Behavior which is based on:

- Mutual attraction
- Friendship
- Respect

If the interaction is consensual, welcome and reciprocated then it is not sexual harassment.

Who to Contact



- If you are being harassed talk to your Supervisor, Manager or someone in Human Resources
- Other Resources:
 - Ontario:
 - Ministry of Labour : Safe at Work Ontario
 - Ontario Human Rights Commission
 - Manitoba:
 - Manitoba Human Rights Commission
 - Workplace Safety and Health Division
 - BC:
 - WorkSafe BC
 - BC Human Rights Tribunal
 - US:
 - US Equal Employment Opportunity Commission

Take the Harassment Quiz

- True or False?



Sexy calendars on workplace walls or desks are considered personal items and therefore are not classified as sexual harassment.

False

If a reasonable person would find the picture offensive then it could be considered harassing.

- True or False?



I can ask a co-worker out on a date without it being construed as harassment.

True

You can ask a co-worker on a date but if the person says no - take “no” for an answer and don’t ask again.

- True or False?



Men can be victims of sexual harassment too

True

This absolutely happens and men have equal rights under the law to protect them from sexual harassment

- True or False?



An employee observes another employee being harassed... Even though the situation involved a co-worker, the observer can be considered a victim in this case.

True

Yes, if the observer finds the incident to be offensive or harmful they can be affected by it as well and be a victim of the harassment.

- True or False?



Inappropriate behavior isn't wrong or illegal (i.e. "they joke like that with everyone") unless it's intended as harassment.

False

Perception takes precedence over intention.

- True or False?



It is not sexual harassment if there is no touching involved.

False

Sexual harassment covers a wide range of unwanted behaviours including lewd comments, off colour jokes, pictures, asking about someone's love life, telling someone unwanted details about your love life etc.

What to do if you are
being harassed...

First



- Tell the person to stop
- Report it to a supervisor, manager and/or Human Resources
 - When making the report (in person or written) make it clear that you feel you are/were being harassed.
 - Indicate if you are wishing to file a formal complaint, make a claim or if you are just looking for someone to talk to about the situation.
 - Your intent of the conversation or written statement should be clear
 - ie: *I wish to file a harassment complaint against...*
- Keep a record of the harassment - When, Where, What and Who witnessed it

What happens when you file a complaint



- Complaints will be investigated and if found to be grounded they will be subject to corrective action
- Depending on the severity of the complaint HR or the Manager, resolution may require solely speaking with the harasser and complainant
- If this does not result in an acceptable resolution, then the formal harassment investigation will continue
- All investigations will be dealt with in a confidential manner
- If it is deemed that the complaint was made in bad faith (not true) or done maliciously, the complainant may be disciplined

****NEVER MAKE A FALSE CLAIM. THIS IS A SERIOUS OFFENSE****

Questions

