



Work Smart Live Smart

Eliminating Stress By Defeating Sexual Harassment In The Workplace

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Dealing with sexual harassment can be very difficult and unfortunately more than a third of working Canadians have experienced it or been effected by it. It can trigger a variety of stress-related illnesses, relationship difficulties and upset productivity and engagement. Educating around sexual harassment and developing strong policies and procedures to deter it are the most effective means of minimizing its occurrence and impact.

Sexual harassment is defined as unwelcome or unwanted conduct of a sexual nature, whether it is verbal, visual or physical, that creates an intimidating or detrimental work environment, or leads to job-related consequences.

Sexual harassment is a form of sexual discrimination that falls under the jurisdiction of the Ontario Human Rights Commission and the Human Rights Code of Canada. The Human Rights Commission states that, "Any act of harassment committed by an employee, in the course of employment shall be considered to be an act committed by that employer." Companies and supervisors may both be held equally liable for acts of harassment committed by their workers, even if unknown by management. However, an act of harassment shall not be considered to be an act committed by an employer if it is established that the employer exercised all due diligence to prevent this act and to mitigate or avoid its consequences. These preventive measures, include a comprehensive policy and thorough training sessions for all management and employees.

The largest occurrence of sexual harassment is where there is an abuse of power, however it is important to note that sexual harassment does exist between co-workers. Two of the key words from our sexual harassment definition are unwelcome and unwanted conduct. Sexual harassment is NOT a relationship of mutual consent or a hug between friends.

It is important to note that one person's perception of what constitutes sexual harassment can vary dramatically from the perception of another. What one person finds offensive another may find acceptable. The difficulty lies within the concepts of perception versus intention and in many cases perception is more important than intention. This grey area around perception can make sexual harassment complaints difficult to deal with. Some of these grey areas involve:

- **Jokes** -There is a big difference between good humour and unacceptable humour. Humour depends on the audience and the content of the joke. Jokes of any sexual nature or ones that single a person out are unacceptable in the workplace. The best rule to use is if in doubt, don't.
- **Pornographic or Obscene Material** - The courts have ruled that pin-ups and other material, may be considered obscene and constitutes a form of sexual harassment. This material is not work related and has no place in the work environment.
- **Language** – This is a difficult subject, as language is a form of communication and it too can be taken in a way that it was not intended. Comments like, 'babe', 'sweetie', and 'dear' can be considered patronizing and inappropriate. Though it may be intended to be respectful or endearing, it may be taken in a way that is condescending or sexual. Always use appropriate, professional names when addressing a co-worker, client, customer, or contractor.

COSTS OF SEXUAL HARASSMENT

The Canadian Human Rights Commission reported that 49% of women and 33% of men experience unwanted sexual attention. Men and women at the bottom of the economic scale are more likely to experience gross overt forms of sexual harassment and professionals and managers tend to receive more subtle treatment.

- Faced with unwanted and unsolicited sexual harassment victims feel confused, frustrated and angry. They may not know how to react to the situation
- Due to the fear of losing their jobs, they may silently endure the sexual harassment considering it to be a "normal" occupational hazard
- Some employees will suffer the humiliation and harassment silently and when they can no longer take it they will quietly quit
- Some employees feel embarrassed or ashamed when they talk about these incidents of harassment. They are afraid that it will reflect badly on their character
- In Ontario, the Workers' Compensation Act recognizes that psychological disability caused by sexual harassment in the workplace is a compensatable injury
- Employees who lose their jobs and become unemployed because of sexual harassment are now eligible for Employment Insurance benefits under the category of 'just cause'
- It has been proven by research that the victims of sexual harassment generally choose to have the situation remedied "in-house" rather than go to court

- The Ontario Human Rights Commission states in their Annual Report that sexual harassment cases represented 10% of their 2003-2004 cases filed – up from 7% in 2002-2003
- A company's credibility takes years to build and bad press does accompany sexual harassment. A majority of men and women are likely to confide in a co-worker, friend or relative about what is happening to them in the workplace and it doesn't take long for this to ripple out to the general public

Victims of Sexual Harassment should not feel guilty or shameful - the individual is not to blame.

PROACTIVE PERSONAL RESPONSE

Individuals are encouraged to follow what is labelled a Proactive Personal Response as it has been found that ignoring or avoiding the behaviour does not clearly establish the fact that the conduct is unwelcome or unwanted.

1. **Confront the offender** - Confronting the offender and the offensive behaviour establishes personal boundaries defining what is unwelcome and unwanted. Immediately upon being the recipient of objectionable behaviour, it is strongly recommended that the individual make it known to the offender that the behaviour made her/him uncomfortable. This can be done either verbally or in writing. A direct response with a brief and clear message is the best deterrent. Humour should not be used as it can too easily be misunderstood. If the offended individual is not able to confront the offender they should put it in writing and send it to the offender. Such proactive responses will deter further acts of sexual harassment.
2. **Document** - The offended individual should maintain documentation of all such activities. A copy of the letter should be made and kept off business premises.
3. **Report** - If the harassment continues after the offender has been confronted verbally or in writing, the behaviour along with the evidence must be brought to the immediate supervisor and/or designated officer as named in your Sexual Harassment Policy.

Review Proactive Personal Response

1. Tell the Offender
2. Document
3. If it continues, let supervisor or Designated Officer know

BENEFITS OF PROACTIVE PERSONAL RESPONSE

- Gives all of the individuals involved a chance, usually for the first time, to understand perception versus intention. Since neither person may have an understanding of how the other sees the problem a discussion may help
- Gives those who are wrongly accused or did not intend to offend the chance to defend themselves
- Gives those who are rightly accused the chance to make amends
- Encourages individuals to maintain carefully written records of all offending actions, dates and discussions, which provide evidence of the offence. This step is vital if management or the courts take later action
- Gives the offending individual(s) a fair warning
- Provides the offended employee a chance to have the harassment stopped immediately without provoking retaliation, personal embarrassment or any acts that may also damage the company reputation
- Provides the offended individual a way to demonstrate that all reasonable means were exercised to stop the actions of the offender. This step clearly defines personal boundaries and territories

Dealing with sexual harassment can be very difficult and it can negatively impact both the individual and the overall corporate environment. However, companies can protect themselves by implementing a comprehensive policy and providing training to employees and leaders on that policy. Individuals are then encouraged to follow a Proactive Personal Response as it has been found to be 90% effective in deterring most acts of sexual harassment and in cases where it does not stop the harassment, the individual is able to effectively address the issues through the policy itself.

SEXUAL HARASSMENT IS:

...UNWANTED and UNSOLICITED...

VERBAL Examples

- Sexual remarks, innuendoes or insults
- Request for sexual favours connected to either threats of negative impact on employment or promises of positive effect on employment
- Sexual jokes or stories

- Repeatedly requesting a date of a person not interested
- Sexual remarks about a person's clothing, anatomy or looks whether complimentary or insulting
- Spreading rumours or telling lies about a person's sex life
- Actions detrimental to a person's ability to work including withholding pertinent information
- Kissing sounds, howling, smacking lips, whistling, and cat calls
- Repeated referral to a person as a 'girl', 'hunk', 'doll', 'babe', 'honey', or 'sweetie'
- Condescension or paternalism which undermines self-respect
- Re-telling or asking about sexual fantasies, preferences, or history
- Uninvited letters or telephone calls

NON-VERBAL Examples

- Displaying pin-ups, or obscene material
- Leering, ogling or staring
- Providing favours or special treatment in expectation of sexual favours
- Uninvited personal notes, letters or telephone calls
- Obscene gestures
- Facial expressions such as winking, throwing kisses, or licking lips
- Hiring of strippers or exotic dancers
- Following or stalking a person or blocking a person's path
- Practical jokes that result in embarrassment

PHYSICAL Examples

- Inappropriate touching or body contact
- Fondling, hugging, kissing, patting, or stroking
- Standing close to or brushing up against a person
- Sexual Assault

SEXUAL HARASSMENT IS NOT:

- A mutually consenting relationship
- A flirtation or office romance between mutually consenting people
- A hug between

Stress and wellness specialist, **Beverly Beuermann-King** translates current research and best practices information into a realistic, accessible and practical approach through her dynamic stress and wellness workshops, on-line articles, e-newsletters and media interviews and through a collaboration called *Awakening The Workplace*. Visit www.WorkSmartLiveSmart.com for more on Beverly and her wellness work.

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