

CREATING A SAFE AND WELCOMING WORK ENVIRONMENT



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**PREVENTING AND ADDRESSING WORKPLACE
HARASSMENT AND DISCRIMINATION**

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HARASSMENT

Harassment can affect the mental health of employees and have a negative effect on their ability to meaningfully contribute to the organization. In Canada, harassment in the workplace is illegal at both the provincial/territorial and federal levels and every employee has the right to work in an environment where their dignity is respected, and they are free from harassment.

The term “harassment” means a behavior in the workplace which causes the work environment to be stressful, degrading, and discriminatory for some employees. Defined by the Canadian Human Rights Commission as “any unwanted physical or verbal conduct that offends or humiliates you,” it includes any behavior which is demeaning or offensive and is based on membership or presumed membership in a group protected by human rights law, including race, sexual orientation, and disability.

It is important to note that harassment excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

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DISCRIMINATION IN THE WORKPLACE

Discrimination is an action or a decision that treats a person or a group badly for reasons such as their race, age or disability. These reasons, also called grounds, are protected under the Canadian Human Rights Act.

TYPES OF HARASSMENT IN THE WORKPLACE

QUID PRO QUO

Quid Pro Quo is a Latin phrase that means “this for that”. In this kind of harassment, the harasser demands a favour; in return the victim keeps a job, gets a promotion, or earns good assignments. It involves someone in a position of authority stating or implying that the victim’s job, promotion, or work assignment depends on submitting something in return.

HOSTILE WORK ENVIRONMENTS

A hostile work environment is one in which insulting or degrading comments, actions or microaggressions cause individuals or groups to feel that the workplace is hostile or unwelcoming. When comments or conduct of this kind have an influence on others and how they are treated, this is known as a poisoned environment. The essential feature of a poisoned work environment is that it is experienced by or impacts on more than just one individual such that it can be considered a practice.

It has a detrimental effect on employment opportunities, particularly for those workers with the shared characteristics targeted by the conduct.

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BY NON-EMPLOYEES

An employer may also be responsible for the acts of non-employees, in regard to harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. It is important to note that conduct by non-employees such as customers, representatives of the client in an onsite situation or the public can create potential harassment situations. Employers are deemed to know, or to reasonably have to a known, in some circumstances that their employees are being harassed and that creates a situation where they are obliged to take appropriate action.

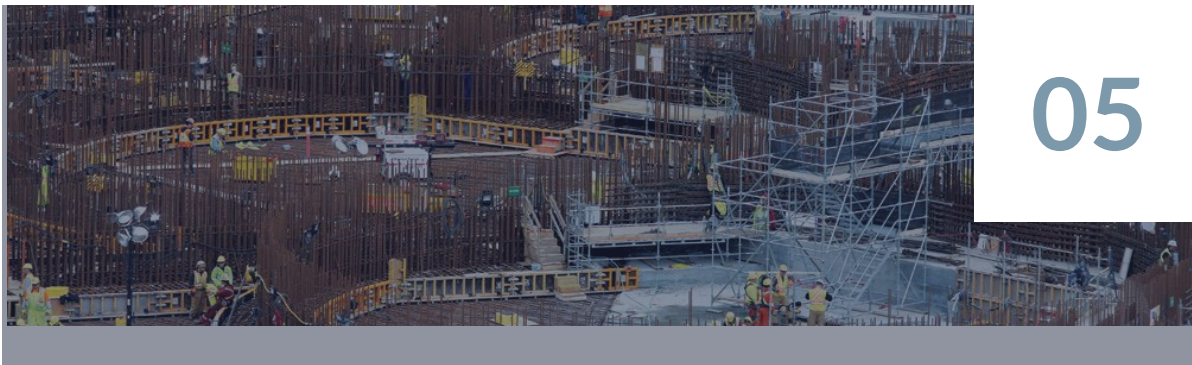
SEXUAL HARASSMENT

Sexual harassment is broadly defined as unwelcome conduct of a sexual nature that is likely to cause offence or humiliation to a worker. It is a demeaning practice that violates the dignity and self-respect of the victim, both as a worker and as a human being.

Sexual harassment can take many forms and may target any gender, including men, women, trans, non-binary and gender diverse individuals.

SOME EXAMPLES OF SEXUAL HARASSMENT

- Unnecessary or unwanted physical contact
- Persistent questions, insinuations or spreading gossip about a person's private life such as their sexuality, gender identity or expression or sex life
- Insults or demeaning comments about one's gender or gender role
- Staring at A person or parts of their body
- Treating an individual differently because they do not conform to the gender role which one expects, such as A role that has been traditionally occupied by another gender
- Repeated invitations to go out after prior refusal
- Sexually explicit comments or gender-based jokes
- Displaying or circulating offensive graphics, drawings, e-mails, text messages, letters, or comments
- Making promises or threats in return for sexual favours
- The creation or perpetuation of a poisoned environment, where workers must tolerate or endure generalized sexual or gender related ridicule as part of a workplace culture
- Any other behaviour that could reasonably be thought to put sexual conditions on a person's job or employment opportunities



BULLYING AND HARASSING BEHAVIOUR CAN INCLUDE

- Verbal aggression or yelling
- Humiliating initiation practices or hazing
- Spreading malicious rumours
- Calling someone derogatory names
- Vandalizing personal belongings
- Sabotaging someone's work
- Making personal attacks based on someone's private life and/or personal traits
- Making aggressive or threatening gestures

BULLYING AND HARASSING BEHAVIOUR DOES NOT INCLUDE:

- Expressing differences of opinion
- Offering constructive feedback, guidance or advice about work-related behaviour
- Reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment (e.g. managing a worker's performance, taking reasonable disciplinary actions, assigning work)

EFFECTS OF BULLYING AND HARASSMENT

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ON THE TARGET

People react differently to bullying and harassment. Reactions may include one of any combination of the following:

- Impaired concentrations or ability to make decisions, which could lead to safety hazards, (such as lack of attention when working with dangerous equipment)
- Distress, anxiety, sleep disturbance, substance abuse, and/or suicidal thoughts or actions
- Physical illness
- Reduced work performance



ON THE WORKPLACE

- Reduced efficiency and productivity due to poor staff morale
- Increased stress and tensions between workers
- High absenteeism rates
- High turnover, resulting in higher recruitment costs
- Higher levels of client dissatisfaction



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BE AWARE OF USING HUMOUR IN THE WORKPLACE

What one person considers to be lighthearted teasing may be a source of stress, anxiety, and unhappiness to another.

Whether something is harassing or not depends on the effect it has on the person who is its target, not on the intent of the harasser. If behaviour is unwelcome, it is harassing. However, if it is the behaviour that the harasser could not reasonably have known to be unwelcome, the person who is upset by the behaviour should make his or her discomfort known. If a person, after being informed, persists in behaviour that is unwelcome, that person is engaging in harassment.

Jokes about the incompetence of women, or stereotypes of racial minorities, or imitations of a co-worker's accent or disability can be hurtful, degrading, and humiliating by sharing a message that some members are less valuable than others. Be mindful of the intent of the joke within the workplace.

HARASSMENT CAN OCCUR AFTER WORKING HOURS AND OFF SITE

The protection against harassment in employment extends to all places and occasions where people are gathered for work purposes, including for example, a work picnic, the lunchroom, or during a work-sanctioned trip.

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APPENDIX 1

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MYTH:

Sexual harassment is a normal behaviour and victims should feel complimented

FACT:

Sexual harassment is a power play – a tactic to dominate by embarrassment or degradation. Sexual harassment is not a victim's fault in any way. This is very much compounded where the harasser is a person in authority; this unequal balance of power makes it very difficult for the victim to say no.

IS THIS SEXUAL HARASSMENT?

SCENARIO 1: Male employees whistle at a female employee as she walks through the warehouse.

This may be sexual harassment. A female worker should not have to report to her supervisor that this is unwanted; it is the supervisor's responsibility to monitor the worksite; he or she should be aware of this behaviour and warn the group that this may be sexual harassment. This sort of situation represents a form of harassment and the victim could be male, female, or transgender.

SCENARIO 2: A male worker asks a female co-worker if she 'got any' (or any other sexual context) over the weekend.

This may be sexual harassment if it is unwanted and repeated.

SCENARIO 3: A male on a crew asks a female on the crew out for a date. She says no, she's not interested; he continues to ask.

This may be harassment (and easily could become sexual harassment) if it is unwanted and repeated.

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APPENDIX 1

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IS THIS SEXUAL HARASSMENT?

SCENARIO 4: A crew leader writes notes with sexual innuendos and leaves them in a female worker's locker.

This is sexual harassment. The fact that it is the crew leader who is leaving the notes puts the company in jeopardy since he is in a supervisory position (which assumes an imbalance in the power relationship which makes it difficult for the victim to say no).

SCENARIO 5: Pin-ups of naked women are hanging in the shop.

This may be sexual harassment. Materials that are commonplace on television or in the newspapers might not be sufficient that is why the courts have ruled that pornography and pin-ups could create a hostile work environment. It's a supervisor's responsibility to make it clear that such pictures are completely inappropriate in the workplace. Pictures of naked men are equally inappropriate. The difference between pornographic, suggestive, and acceptable materials is difficult to define but, it should suffice to say that if anyone is offended the best answer is to take stuff down!

SCENARIO 6: A supervisor puts a hand on a worker's shoulder and says 'You're really doing a great job. Let's go out for a drink later and talk about your future with the company'

This can be sexual harassment if not going out has a negative impact on the worker's job. Even if saying no doesn't affect a worker's job, this behavior puts workers in a very uncomfortable position. Are they really free to say no? What will happen after they say no? Supervisors also put themselves in a difficult position; even if they accept that the worker didn't want to go out, and they have no intention of asking that person out again, what would happen if by coincidence the worker was laid off? The worker might not believe that this was coincidence, and perhaps neither would the courts. The way to avoid an uncomfortable situation is to have the conversation about the future on company time, on company premises and remove the potential connotation that it's more about going out than it is about business. Simply put, business is better conducted in a businesslike way during business hours and without the potential for innuendo.

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IS THIS SEXUAL HARASSMENT?

SCENARIO 7: Steve is a forklift operator. All of his co-workers are female. He is young and attractive and the women take turns teasing him about his physique and making suggestive remarks. As a result, Steve often finds it hard to concentrate on his work. This has led to errors and Steve has been given a warning by his boss. Steve has now asked the women to stop, but they treat it as a big joke and continue.

Steve is being sexually harassed. In this situation Steve has made an appropriate request for conduct to stop. This is an important element in any harassment situation. If the conduct doesn't stop Steve is entitled to make the employer to step in and do something. In this circumstance Steve (this the same situation for a young woman in a similar circumstance) may be very reticent to bring a complaint forward. There are issues of being the "workplace rat" or being considered "weak" and very few people want to be cast into that role. It is most important that they understand that there is a route to be followed and that it is all right to do so. In the circumstances of this example the supervisor would need to use tact and usefully point out to the female co-workers that the situation really isn't that amusing at all. It is amusement at the expense of the self-esteem of Steve and the fact is that he is making errors as a result is putting his employment at risk. If the co-workers understand that their amusement could get Steve fired perhaps they would look at the situation differently.



THANK YOU



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