Your Employee Assistance Program is a support service that can help you take the first step toward change.

Your guide to sexual harassment in the workplace



Every employee has the right to a safe workplace. Health and safety laws protect us from physical injury and human rights legislation protects us against psychological injury. While workers have been encouraged to report any workplace issue that could result in physical harm, they haven't felt as comfortable reporting issues that might cause psychological harm – bullying, discrimination, exclusion, intimidation, and sexual harassment. But that is changing.

In 2017, millions of people around the world engaged in the #metoo conversation that began on Twitter and quickly spread to all forms of social and traditional media. Hundreds of thousands of women and men related their own experiences with sexually inappropriate behavior and harassment in the workplace, shedding new light on all inappropriate workplace behaviors.

What is harassment?

Harassment is a form of discrimination – and a form of bullying. It is defined as "any unwanted physical or verbal behaviour that offends or humiliates the target." It is behaviour that persists over time and can, without intervention, escalate.

It affects both men and women at all levels of an organization and includes:

- Threatening or intimidating another person.
- Displaying or circulating offensive pictures or materials in print or electronic form
- Bullying:
    - Spreading malicious rumors.
    - Insulting someone by word or behavior.
    - Ridiculing or demeaning someone – picking on them or setting them up to fail
    - Exclusion or victimization.
- Demeaning comments regarding someone's:
    - Race.
    - Gender.
    - National or ethnic origin.
    - Religion.
    - Age.
    - Sexual orientation.
    - Marital status.
    - Family status.
    - Disability
- Unwelcome physical contact, such as touching, patting, pinching or punching (which can also be considered assault).
- Sexual harassment.

Sexual harassment

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The definition of sexual harassment is very clear. It is repeated and unwelcome comments or conduct directed at an individual and meant to intimidate, demean or damage. It includes:

- Rude or insulting language or making comments toward a person
- Unwanted physical contact, including touching or groping.
- Making sex-related comments about a person's physical characteristics or actions.
- Asking for sex in exchange for a benefit or a favor or making decisions based on whether sexual advances have been rejected or not.
- Repeatedly asking for dates and not taking "no" for an answer.
- Saying or doing something because a person does not conform to sex-role stereotypes.
- Posting or sharing pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including online).
- Making sexual jokes.
- Bragging about sexual prowess.

Despite the fact that most companies have clear professional conduct guidelines and workplace harassment policies, sexual harassment continues. One in three women between the ages of 18 to 34 has been sexually harassed at work. Of these, 27 percent experienced harassment from a colleague, 17 percent experienced harassment from a superior and 12 percent received threats of termination if they did not comply.

It's important to note that sexual harassment on the job is not just a women's issue. A recent study found that 21 percent of victims are men.

Dealing with sexual harassment: employees

Many men and women were once too embarrassed or fearful to speak out about sexual harassment. They were concerned about reprisals, being perceived as complainers or troublemakers or that nothing would be done. But today, inappropriate workplace behavior is not being tolerated and employees are encouraged to speak out. If you feel you may be the victim of harassment, consider taking the following steps before speaking to your manager, HR or union representative:

1. **Document.** Write down what has happened, dates, times, locations and names of people who witnessed the incidents.
2. **Gather evidence.** Print out all emails, letters, tweets or posts containing offensive remarks or materials,
3. **Observe.** If someone is harassing you because of your gender, he or she will also be targeting others. Take notes of comments or behaviors directed at others. Again, include dates, times, locations and any witnesses.
4. **Keep duplicate copies of your notes in several safe places.** Don't put them on your work computer or anywhere your harasser can find them. Instead, keep a notebook in your purse or briefcase, take notes on your personal smartphone or tablet and file everything on your home computer. Also, if you're fired, you won't be able to access your work devices
5. **Report.** If the harasser is a co-worker or client, your manager will want to know. A toxic work environment is a real concern for any supervisor and if you are being harassed, it is likely others are too. Give your manager time to investigate and resolve the matter. Most managers will check back with you regularly, but if not, be sure to follow up in writing.

If the harasser is your manager, discuss the matter with your union or HR representative. If the matter is not resolved, or retaliation occurs, seek legal advice and file a formal complaint with your company or file a complaint with state, provincial, territorial or federal human rights or equal opportunity commissions.

Dealing with sexual harassment: managers

When employees approach their manager about any harassment issue, they may initially just want advice and to understand their options. These include:

- Having their manager resolve the situation through a discussion with the harasser.
- Mediation between the victim and the harasser
- Making a formal complaint.
- Legal action.

Here are some other steps a manager should take when an employee is concerned about sexual harassment:

- Let the employee know that he or she did the right thing by bringing the issue forward and that you will everything will be done to ensure everyone's well-being. Ask the employee to be patient while a thorough investigation is conducted.
- Ask the employee to relate every incident in his or her own words. Listen and take notes. Write down dates, times, situations, witnesses and anything else that seems relevant. This documentation may be needed if the situation persists and disciplinary measures are required. Also keep a record of any actions taken.
- Consult with HR personnel regarding corporate harassment policies. If the situation involves threats, stalking or sexual assault, seek help immediately from HR, security and/or the police.
- Talk to any witnesses. Ask open-ended questions and seek facts that support or disprove the allegations. This is a good way to get objective views as well as uncover any underlying issues you that may also need to be resolved.
- Interview the accused harasser. The individual may be unaware his or her behavior is seriously inappropriate or understand the consequences of his or her actions. In such cases, an informal discussion regarding the conduct you and the organization expect from staff, what behaviors are considered harassment and the business and legal consequences. Training on codes of conduct and workplace harassment may also help resolve the situation.

Finally, follow up to ensure no further incidents have occurred and that any underlying issues are being addressed. If the harassment continues, then a formal complaint needs to be made and the issue escalated as per your company's policy.

Preventing sexual harassment

The best way to deal with sexual harassment is by preventing it. All employees need to be made aware of their company's code of professional behaviour, workplace harassment policies and where help is available. All employees – male and female, senior management and field workers – must be required to take harassment training.

Creating a culture of inclusivity begins with managers. Keep eyes and ears open to sexual jokes, innuendoes, offensive language, gossip, exclusion and any inappropriate behaviour. If you suspect sexual harassment, don't wait for a complaint to be made. Investigate. Employees need to see that there is zero tolerance for any form of discrimination, bullying, intimidation or unprofessional behaviour. By doing so, managers can help created a healthy workplace in which all employees feel respected, valued and safe.

For more information, contact your Employee Assistance Program.