

QUEEN  
HD  
6060.5  
.C3  
P7  
1996

Industry Canada Industrie Canada

IC

# PREVENTING HARASSMENT IN THE WORKPLACE

A handbook for Industry Canada  
managers and employees



HUMAN RESOURCES  
BRANCH  
OCTOBER 1996

NOTE: This handbook is a companion document to Industry Canada's policy document ***Towards a Harassment-Free Workplace***, which describes the formal and informal conflict resolution processes and the investigation process.

© Minister of Public Works and Government Services  
Canada 1996  
51312B



# CONTENTS

## 3 CONFLICT AND HARASSMENT

3 Workplace conflict and harassment

4 The impact of unhealthy conflict and harassment

4 What is harassment?

5 Examples of harassment

## 6 HOW YOU CAN PREVENT HARASSMENT

7 When you feel that you are being harassed

7 When you see a situation but you're not involved

7 If you're a manager

## 9 RESOLVING A CONFLICT

9 If you feel you have been harassed

9 If someone finds your behaviour offensive

10 Advice for both parties in a conflict

10 If you are a manager who hears about a conflict

11 Resolving a conflict with the help of a third party

12 The role of your Human Resources Advisor

MAY 13 1998

NOV 18 1995



# CONFLICT AND HARASSMENT

## Workplace conflict and harassment

Whenever people interact there is potential for conflict. When it is focused on work and handled constructively with respect for differences, conflict may challenge our thinking in positive ways. It may encourage us to broaden our outlooks, learn new things and ultimately improve our performance. Healthy conflicts can provide room for growth.

Problems can crop up when conflicts are not handled appropriately. Conflict can range from simple, private but persistent disagreements to all-out public arguments. Harassment is one extreme in a continuum of conflict between people. Interpersonal problems that are addressed early will not usually escalate into harassment. Not all instances of harassment are the result of interpersonal conflicts.

Problems can also result from personality conflicts, lack of communication, misunderstandings or basic differences in points of view. They can result from a lack of empathy—one person's inability or unwillingness to see another's point of view—or momentary or prolonged thoughtlessness. Problems can result from behaviour that is inappropriate in the workplace. Such behaviour, which may range from rudeness to abuse and harassment, is harmful to the working environment and to all employees.

Most difficulties between employees can be and routinely are resolved by the people involved. A few cases call for a third person to help settle things informally, either by providing advice or intervening directly. On rare occasions when a third person is unable to help, settling the matter might require a more formal route.

## The impact of unhealthy conflict and harassment

### What is harassment?

Unhealthy conflict, if it is prolonged and carried to the extreme of harassment, hurts everyone. Someone who is harassed may experience emotional stress and may have difficulty carrying out tasks. Physical problems such as headaches, insomnia and anxiety attacks may result.

Unresolved conflict in the workplace also harms the working environment. It may undermine productivity and morale, leading to absenteeism and increased turnover. It also stifles ideas and initiative—a high price for not permitting people to develop their full potential.

Treasury Board defines harassment as follows:

**Harassment** means any improper behaviour by a person employed in the Public Service that is directed at, and is offensive to, any employee of the Public Service and which that person knew or ought reasonably to have known would be unwelcome. It comprises objectionable conduct, comment or display, made on either a one-time or continuous basis, that demeans, belittles, or causes personal humiliation or embarrassment to an employee.

It includes harassment within the meaning of the *Canadian Human Rights Act*, i.e., harassment based on the following prohibited grounds of discrimination: race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability or conviction for an offence for which a pardon has been granted.

Discrimination on the basis of sexual orientation is also precluded under the *Canadian Human Rights Act*.

Treasury Board defines sexual harassment as follows:

**Sexual harassment** means any conduct, comment, gesture or contact of a sexual nature, whether on a one-time basis or in a continuous series of incidents:

- a) that might reasonably be expected to cause offence or humiliation to any employee; or
- b) that the employee might reasonably perceive as placing a condition of a sexual nature on employment or on an opportunity for training or promotion.

## Examples of harassment

Treasury Board defines abuse of authority as follows:

**Abuse of authority** is a form of harassment and occurs when an individual improperly uses the power and authority inherent in his or her position to endanger an employee's job, undermine the performance of that job, threaten the economic livelihood of the employee, or in any way interfere with or influence the career of the employee. It includes intimidation, threats, blackmail or coercion.

*Source: Treasury Board Manual. Personnel Management Component, Human Resources Volume, Chapter 3-2, "Harassment in the Work Place Policy."*

Some examples of harassment may include: unwelcome remarks, jokes or innuendoes; taunting, leering or other insulting gestures; displaying offensive or demeaning pictures or materials of a sexual nature; distributing offensive material by mail, fax or other electronic means; practical jokes that could cause awkwardness or embarrassment; and unwelcome invitations or requests.

These kinds of behaviours stem from a lack of respect for others and can seriously harm the working environment. Physical and sexual assaults are extreme forms of unwelcome and offensive conduct and are prohibited by the *Criminal Code*.

Threats can be specific or implied. Creating an intimidating, offensive or hostile work setting for someone can constitute threatening conduct. For a statement to be considered a threat, it must point out a consequence that is totally out of proportion with the cause and the circumstances. Pointing out the reasonable consequences of an action or inaction is not a threat. For example, telling an employee about the consequences of poor performance is not a threat even if it makes that person feel uncomfortable.

Some examples of abuse of authority may include: shouting, belittling an employee's work, reprimanding an employee in front of other staff members, arbitrarily withholding or delaying leave approval, excluding someone from a work-related gathering without a good reason, favouritism, unjustifiably withholding information that an employee needs to do his or her work, and demanding overtime without justification.

## HOW YOU CAN PREVENT HARASSMENT

Preventing harassment is better than fixing the damage. At Industry Canada, it is everyone's responsibility. Here are some tips:

***You can contribute to an atmosphere of mutual trust, support and respect.*** Courtesy, respect and restraint are basic tools we need for getting along with each other. They are as indispensable in the workplace as they are in any other situation that brings people together.

***If you're not sure if something you do or say could offend someone, ask that person.*** This is essential in a diverse working environment that includes people of different cultures, religions, sexual orientations and beliefs. Some comments and behaviours are obviously degrading, embarrassing or insulting. Others are not so clearly offensive. What is considered offensive varies from person to person and may also change according to the context. Think before you speak, and, when in doubt, ask.

***Watch how someone is communicating with you.*** Body language, tone of voice and sudden silences may signal that a person is uncomfortable with what you are doing or saying. While someone who feels uncomfortable with certain comments or behaviour should let you know, he or she may not always feel confident enough to do so. So, be alert to how individuals react to your behaviour.

***"But I didn't mean any harm."*** Even if you meant no harm, if you made someone feel uncomfortable, embarrassed, degraded or exploited, your behaviour caused a problem. Try apologizing and changing your behaviour around that person.



**When you feel that you are being harassed**

Wherever possible, make your concerns known to the person who is causing the problem. While this may not always be an option, simply letting that person know might in some instances open communication and lead to a resolution. Sometimes, it may help to examine your own behaviour too.

**When you see a situation but you're not involved**

Shouting, reprimanding an employee in front of co-workers, name-calling and other inappropriate behaviour may be observed by people other than the individual to whom it was directed. If you see behaviour that is inappropriate to the workplace, ask yourself if it would be appropriate to speak to the person responsible, in private, and describe how the behaviour came across.

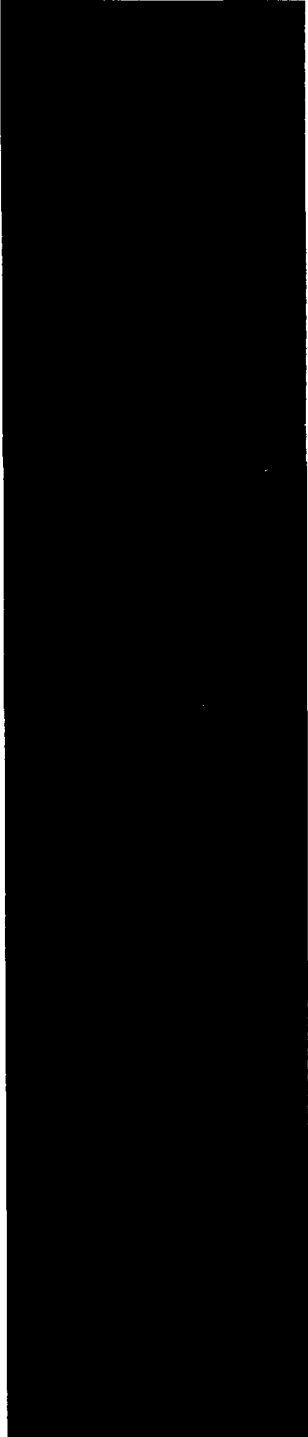
You may also discuss the inappropriate behaviour with the person who was the recipient. Be discreet and supportive, and encourage that person to take appropriate steps to stop the problem.

If the behaviour was serious enough or persistent, consider what you can do to help. Harassment is not just a personal conflict, it is a departmental concern.

**If you're a manager**

As a manager you are responsible for creating a workplace where harassment does not happen and for responding quickly and effectively if it does. Don't wait for a problem to escalate to act. In fact, managers are responsible for acting to put a stop to harassment whether or not someone has complained. Also, you are expected to make every effort to re-establish positive working relationships following a harassment incident.

***Be alert to the atmosphere of the workplace.*** You are responsible for the way business is conducted in your organization. Be visible. Your presence will influence the way people behave. Ask people to remove offensive posters or other materials. Make it clear that insults and derogatory jokes will not be tolerated, and that they could lead to disciplinary action. Insist on respect for employees at all levels.



***Communicate openly and respectfully.*** Take the time to talk to your staff and listen to what they say. When appropriate, make it clear that you are willing to hear honest complaints and constructive criticism. Ask for suggestions on improving workplace morale and effectiveness. Ask employees for ideas on how they can contribute. Let subordinate managers know that you are willing to help resolve any disagreements between them and members of their staff. Keep in mind that the information you may deal with when resolving disputes can be very personal. Although you have an obligation to assist in resolving such difficulties, treat personal information with sensitivity to respect the privacy of both parties.

***Be a role model.*** Show respect for employees at all levels. Never take part in, or approve of, behaviour that could be interpreted as disrespectful or harassing. Standing by and doing or saying nothing, or being perceived to be doing nothing, suggests that you approve. This makes it more likely that the behaviour will continue and possibly escalate.

***Watch for problems.*** Rumours, increased absenteeism, decreased motivation, lower job performance and high staff turnover may indicate that harassment is taking place.

***Deal with conflicts promptly.*** Many people tend to avoid conflict. Unfortunately, delay may cause tension to escalate further.

***Show you take the issue seriously.*** Ensure that the policy and this handbook are available to your staff. Discuss these documents at staff meetings. Ask your Human Resources Advisor to arrange an awareness session to explain how the policy works, what to do in given circumstances, how to prevent harassment and what to do afterwards.

## RESOLVING A CONFLICT

**If you feel you  
have been  
harassed**

**If someone finds  
your behaviour  
offensive**

Industry Canada encourages employees to try to resolve conflicts themselves. Whether you feel you have been harassed or someone finds your behaviour offensive, you may be able to settle the conflict and prevent it from escalating further. In doing so, it is important to respect the feelings and privacy of everyone involved. Conflict can increase and become more difficult to resolve informally when people believe they are being gossiped about or feel their privacy has been unfairly invaded.

**Consider talking to the person.** Try explaining that the behaviour is making you uncomfortable and say why. The person may not be aware of the impact of the behaviour, and, once it is pointed out, may see the need to stop. In this case, a frank talk can clear the air. Common sense and good judgment will also help.

**Write a letter.** If you feel you cannot speak to the person concerned, try writing a letter. In the letter, clearly and in detail, outline the behaviour you want stopped. Describe how the incidents have affected you. Indicate what you want to happen. If you just want the behaviour to stop, state that. A letter that is descriptive, rather than judgmental, is more likely to get results.

**Stop the behaviour.** This may mean toning down your voice, not swearing or not telling certain jokes. It may “cramp your style,” but good workplace relationships require accommodation from everyone.

**Apologize.** Even if you think there was a misunderstanding, it will help to apologize and explain your point of view. Experience shows that most harassment complaints are resolved through an apology. Even if the person takes the issue further, the fact that you apologized shows that you are trying to understand the other person’s position and to open up the lines of communication.

Depending on the circumstances, you may choose to indicate that your apology is a goodwill gesture and not an admission of fault.

## Advice for both parties in a conflict

### If you are a manager who hears about a conflict

**Keep a record.** Make a note of incidents and how they were handled. Don't view this as a way to "get the goods on someone," but as a way to ensure that your recollection of events is accurate over time.

**Act immediately.** If you think there is a problem or if you hear of one, deal with it right away. Unresolved situations do not usually go away, they tend to get worse. Unresolved problems will also affect the work environment.

As a manager, you are obliged to act promptly, appropriately and with discretion to put an end to any inappropriate behaviour, including harassment, that takes place within your area of responsibility. You are expected to do so even when there has not been a formal complaint—perhaps only an informal one, a rumour, or when an employee asks that nothing be done. You can start by taking the following steps:

**Contact your Human Resources Advisor.** If you hear rumours about conflicts between staff in your area, take advantage of the resources available to assist you. Your Human Resources Advisor is there to discuss the situation and can provide assistance with a range of options to resolve the conflict. He or she can also suggest ways of following up to reduce the chances of a recurrence.

**Ask your Human Resources Advisor to arrange for an awareness session.** Sessions on harassment awareness and prevention will help your staff think afresh and talk openly about appropriate workplace behaviour. As standards of behaviour change, some people may not be aware that their behaviour is a problem. Awareness sessions can often help to remedy conflict situations without the need for further action.

**Have a frank talk.** Some people may not be aware of the effect of their behaviour. In many cases, speaking privately to a person may be enough to stop the behaviour.

**In more serious cases.** If a person will not stop his or her inappropriate behaviour, or if you feel that the harassment is of a very serious nature, seek immediate assistance by first contacting your Human Resources Advisor.

## Resolving a conflict with the help of a third party

***Be fair.*** Remember that you have a duty to be fair to both employees. Try to find a resolution that satisfies the human need for fair treatment and recognize that there may be some right and wrong on both sides.

***Do not try to conduct an investigation yourself.*** No matter how good your intentions, you may not be perceived as objective and impartial. You may not get the full story from employees. Given your responsibility for the workplace environment, you do have to do some fact finding by talking to the parties. This can be done with the help of your Human Resources Advisor.

***Re-establish positive working relationships.*** Even after a conflict is resolved, it may have lingering effects on the morale and productivity of those affected. Think about what you can do to help and ask your Human Resources Advisor for ideas to help re-establish good working relationships. Depending on the seriousness of the situation, a possibility would be to arrange for an individual or group session with a professional counsellor from the Employee Assistance Program.

***Remember, managers are responsible if they know or reasonably ought to know of an incident of harassment and do not take reasonable steps to deal with the problem.***

Regardless of whether you are the person who feels harassed or the person whose behaviour has been challenged, the informal assistance of an impartial colleague, whom both parties trust and respect, can often lead to workable solutions without resorting to a formal complaint. The colleague may suggest ways to deal with the conflict.

A trusted colleague can provide a “reality check” that can help you decide whether the action or pattern of behaviour was inappropriate.

The person you choose to provide you with advice should be selected with care and, ideally, should be someone with a reputation for honesty, integrity and impartiality. He or she should also be someone who can appreciate the sensitivity of the situation for everyone involved and who will respect confidentiality and privacy.

## The role of your Human Resources Advisor

If you want to talk through the problem, the Employee Assistance Program, your Human Resources Advisor or the appropriate union representative are also there to provide ideas and feedback.

You do not have to be the person who is feeling harassed to take this step. You may do so if you are the person whose behaviour is at issue or the co-worker or supervisor who has witnessed or heard about the conflict.

***Being a third party.*** If a colleague approaches you for advice, provide suggestions or a listening ear, but be careful not to compound the problem. Keep in mind the reasons why you were selected and the responsibility you have to both parties—strive to be honest, impartial, sensitive and discreet.

Not all situations lend themselves to the involvement of a third party. Think carefully when deciding which course of action will be the most helpful and constructive in finding a solution.

Some situations will defy simple solutions by the persons involved. Getting help to resolve these more difficult situations promptly and in a non-confrontational way, while respecting the privacy of the people involved, is well worth the effort in order to reduce the chances of a formal complaint being laid. For this reason, Industry Canada has set up an informal process for resolving conflict as well as a formal process for settling harassment complaints where informal conflict resolution does not work.

A key player in implementing these processes is your Human Resources Advisor. This person is an important contact on all problems related to conflict and harassment. His or her job is to also help identify ways of promoting a positive work environment.

Take advantage of resources that can be made available to you both in terms of preventing harassment and in dealing with problems once they have arisen.