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**Paper Title: Sexual Harassment Dilemmas in the Canadian Workplace**

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**Sexual Harassment Dilemmas in the Canadian Workplace**

**Abstract:**

As more and more women are entering universities and workplaces their recruitment, retention and promotion rates have improved, however, they still face several covert and overt gender discrimination challenges beyond the “glass ceiling” and the “sticky floor” that result in sapping their energy, taking a toll on their personal wellbeing and professional progression in the organization. Sexual harassment in the workplace is one such age old problem which has become new again as Canada faces several current workplace sexual harassment scandals. Laurentian University (LU) business students participated in an exercise designed to provide the students with opportunities to reflect upon their own attitudes and perceptions of sexual harassment behaviours in the workplace, reporting responsibilities and prevention guidelines as well as engage in discussions with their peers in other countries. “The Sexual Harassment Ethics Internet Project: Ethics Discussions Across the Global Information Highway” training exercise fosters ethical thinking and discussions on these issues using the internet for exchanging ideas and documents simulating a business environment for formal communications of policies and practices within an organization. We report on the findings related to LU only and offer recommendations for the future.

**Keywords:** Sexual harassment, Workplace Discrimination and Harassment Prevention (WDHP) policies, gender equality, Canada.

**Introduction**

Contemporary issues of gender equality at work generally deal with issues of qualifications, recruitment, retention and promotion of women in the workplace. However, once women enter organizations they continue to face gender based discrimination and challenges that not only limit their professional trajectory but also impact their personal lives. Canada is currently facing several current workplace sexual harassment scandals. In a very high profile case, on Wednesday November 26, 2014 Jian Ghomeshi, 47, a famous star journalist host of the program ‘Q’ at CBC Toronto was arrested for four counts of sexual assault. More than eight women have come forward with sexual assault allegations against Ghomeshi, some while working with him at the CBC. He argues that any physical contact was consensual and part of a sadomasochistic exchange. CBC meanwhile insists that they knew nothing about this and when they did, they fired Ghomeshi. However, they are now being challenged by a CBC employee who claims that CBC managers ignored her when she complained about his abuse even when they were witness to her being openly victimized by Ghomeshi in front of her coworkers for years. “A few months into my job in 2007, I let out a big yawn at a staff meeting and [Ghomeshi] told me “I want to hate fuck you, to wake you up”” (Middlemiss, 2014). From there the abuse escalated to uninvited back massages, physical groping, sexual intimidation, gas-lighting and psychological games became a daily terror “He once grabbed my waist from behind- in front of our fellow colleagues at the office- and proceeded to repeatedly thrust his crotch into my backside.” (Middlemiss, 2014). She complained to her union in 2010 but they did nothing. When she complained to her executive producer, he said “Ghomeshi was the way he was, and that [she] had to figure out how to cope with that.” (Middlemiss, 2014). CBC did not concede to any knowledge of Ghomeshi’s deplorable behaviour in the workplace nor apologized for creating such an abusive work environment. None of the managers have taken responsibility, apologized or been fired as yet. (Middlemiss, 2014).

Sexual harassment is not simply one man’s behaviour in the workplace nor is it solely the responsibility of the victim to address it. It is representative of a culture of violence against women and the acceptance of this by the bystanders that is more pervasive and systemic than ever. Last year, after suffering years of violence in the workplace, more than 350 female Royal Canadian Mounted Police (RCMP) members launched a class-action suit, alleging decades of sexual harassment and discrimination including rape, unwanted sexual touching, physical assault, sexist comments, threats, gender discrimination, harassment, bullying (Burgmann, 2015; Clancy, 2015).The RCMP, the very people whose job it is to protect the public!

In the US too, a similar situation has currently surfaced regarding sexual harassment allegations in the entertainment industry against the 77 year old famous entertainer Bill Cosby, where eighteen women have come forward with allegations of sexual harassment and assault, however, no formal charges have been laid as yet. Moreover, sexual harassment and assault on the Canadian and U.S. university campuses is also on the rise and under increasing public scrutiny to improve how they handle sexual harassment and assault cases. (Tamburri and Samson, 2014). In 2013, the Ontario government published a resource guide for colleges and universities recommending measures to help prevent sexual harassment and assaults with a response protocol for what to do when they occur but it is not clear how many institutions have implemented these measures (Tamburri and Samson, 2014). In June 2014, the Association of Universities and Colleges of Canada issued an online resource for university Presidents, encouraging leadership in promoting orientation week activities as an opportunity to raise awareness among students as to what constitutes (in)appropriate behaviour and to outline university policies on preventing and dealing with sexual harassment. No doubt all women, and men, need to be aware and able to address these issues. Universities in particular should take a lead role in changing attitudes and behaviours to prevent and address sexual harassment.

**Background**

Sexual harassment (SH) is a topic of continued interest and relevance in the Canadian workplace, despite legislative guidelines for the prevention of sexual harassment and the recent inclusion of bullying as part of the definition of harassment legislation. Reports of sexual harassment in the workplace are often reported in the popular media and are not limited to a particular industry or province. Recent allegations have been made against some members of key institutions among the law makers, investigators and communicators of the law in this country – two legislative Assembly members in Ontario, the RCMP and the CBC. The Canadian Labour Congress (CLC) reports that 55% of all the sexual harassment cases reported were perpetrated by coworkers, 39% involved a supervisor or a manager and 13% involved a client or customer (CLC).

The Ontario Human Rights Code (OHRC) was the first to be enacted in Canada in 1962, prohibiting discrimination based on fifteen protected grounds (age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity (and gender expression), receipt of public assistance (in housing only), record of offences (in employment only), sex (including pregnancy and breastfeeding) and sexual orientation in five protected social areas (housing accommodation, contracts, employment, services and vocational associations/unions. The Canadian Human Rights Act (CHRA) came into place in 1976. Most organizations have established their workplace discrimination and harassment prevention (WDHP) policies. Laurentian University’s policy is presented in Exhibit 4.

SH is defined as behaviour of a sexual nature that is unwelcome (OHRC) and can be intentional quid pro quo harassment which is relatively easy to prove because there is a direct association between the sexual harassment demands by the perpetrator and the negative work-related outcome for the victim if those demands are not met (Jasma, 2000); or the more insidious hostile work environment harassment which is more difficult to prove because it is based on perceptions, which may vary between men and women as well as between different cultures (Hofstede, 2001; Peek et al., 2007). With increasingly multicultural workplaces and the globalization of the workforce, it is important to train employers and employees to recognize and prevent SH of all forms.

Research shows that both the employee and the employer suffer the potential costs of sexual harassment in the workplace. SH negatively impacts job involvement, job satisfaction, absenteeism and turnover intentions (Baba et al., 1998). Employeecosts include, but are not limited to, increased sick leave and time away from work, decreased individual productivity by the victim, lost productivity by the workgroups in which SH occurs, job turnover including transfers, firings, or quitting, stress depression and other psycho-somatic issues such as insomnia and weight gain or physical and emotional problems such as alcohol and substance abuse **(Catalyst, 2012)**. **Employer costs of sexual harassment in the workplace include but are not limited to decreased morale, individual employee and team productivity, increased turnover, sick leaves and medical payout, damaged company reputation and potential increase in legal consultation and representation (Catalyst, 2012).** Therefore it is imperative that both employees and employers are made aware and held accountable for their rights and responsibilities in preventing sexual harassment in their workplaces.

**Need for Workplace Discrimination and Harassment Prevention (WDHP) education**

At university business schools, students are learning not only about the technical aspects of work but also being prepared for the interpersonal interactions in the workplace. In the Faculty of Management at Laurentian University, students are taught using various pedagogical approaches such as lectures, self-assessment exercises, case studies and team based projects as well as individual participation in class. This project also gave the students an opportunity to interact and share their learnings with their peers in the US and Mexico.

Given the increasing diversity in the Canadian workplaces, employees may have different perceptions of what constitutes sexual harassment and what behaviours cross that line. Cross-cultural values, attitudes and threshold points do vary across societies and this may create more confusion regarding what is and is not acceptable behaviour in the workplaces in Canadian organizations. It can also become costly for organizations to defend allegations of sexual harassment by any of its employee, clients or stakeholders.

**Methodology**

This project was part of the four year (2010-2014) program for North American Mobility in Higher Education entitled “Alliance to Enhance Entrepreneurial Impact to Stimulate Economic Growth Among Underserved Groups in North America” comprising a North American consortium of six universities. Two from the US, the University of Western Illinois and University of Western Kentucky were funded by the United States Department of Education Fund for the Improvement of Post-Secondary Education (FIPSE); two from Canada, Laurentian University and Universite de Moncton, were funded by the Human Resources and Skills Development Canada (HRSDC); and two from Mexico, Autonoma de Nuevo Leon and Universidad Panamericana, were funded by the Secretaria de Educacion Publica (SEP).

A total of 230 undergraduate business students from these six universities participated in an Online Ethics project. During the January to April Winter Term of 2011, 90 students from Mexico, 91 students from the US and 49 students from Canada participated in this project as part of their undergraduate courses. Of the Canadian students, 37 students were from Laurentian University, 14 students were in the fourth year Communication Theory for Managers course and 23 students were in the second year Management Accounting course. This paper reports on the findings related to the student participants from these two courses at LU only.

“The Sexual Harassment Ethics Internet Project: Ethics Discussions Across the Global Information Highway” is part of the Arthur Andersen Business Ethics Program to foster ethical thinking and discussions on issues using the Internet for the exchange of ideas and documents to simulate a common business environment for formal communication within an organization. Students were shown a video of a workplace scenario in class and immediately asked to complete a pre-assignment survey questionnaire. Then they were assigned into groups of 9 to 10 students each, consisting of a mix of from all six universities, and instructed to participate in group discussions and several related assignments over the period of the term and submit a final report. Finally, they were asked to complete a post-assignment survey questionnaire in class. This exercise was to provide the students opportunities to reflect upon their own attitudes and perceptions of sexual harassment behaviours in the workplace, reporting responsibilities and prevention guidelines as well as engage in discussions with their peers in the three other countries. This paper reports on the findings from the Canadian students and offers recommendations for the future.

An Arthur Andersen’s Management Series (1991) Business Ethics Program Video entitled “A Very Friendly Fellow” was used in this exercise. In mid-January 2011, the students were assigned to 25 groups of nine to ten members each and instructed to initiate contact with the other group members via the Internet and work together during the term of the project in order to submit a final report along with documentation of their email record at the end of the term. They were assigned to participate in discussions and several related assignments over the period of the term and submit a final report.

In February, the students were shown a five minute video clip of a workplace vignette in class and asked to complete a pre-assignment survey to record their perceptions of the scenario shown in the video by answering certain questions. They were then further divided within each group into three sub-groups to write a subgroup report from the perspective of the three characters in the video, defining each player’s rights and responsibilities as well as how their behaviour affects the organization and its stakeholders. Stakeholders were listed as Bill, Shelly, Ginny, Managers, Other employees, Customers, Stockholders and Creditors, Community, Society in general. They had to look up the sexual harassment policies of a minimum of three organizations/institutions on the internet and draft up a sexual harassment policy for Arthur Anderson to prevent any similar incidents in the future

Subgroup 1- Bill, the possible harasser

Subgroup 2- Shelly, the person possibly being harassed

Subgroup 3- Ginny, the witness to the possible harassment

The final report was to include a definition of sexual harassment, a discussion of each of the character’s rights and responsibilities and consequences of her/his actions; a statement of the actions the three individuals in the video should take with a discussion of the rationale for their actions; a copy of a business, non-profit organization or educational institution’s Sexual Harassment Prevention policy from the Internet that the group believes would be an effective policy for this company to adopt.

Then, in April they were asked to complete a post-assignment survey questionnaire in class. In this paper, we report the results examined on course and gender basis for the Canadian participants at Laurentian University.

**Results**

The participant demographics indicate that of the 37 LU students, 23 (62%) were in the second year Management Accounting course and 14 (38%) were in the fourth year Communication Theory for Managers course; 20 (54%) were males and 17 (46%) were females; 26 (70%) were between the ages of 18 to 21 and 8 (21%) between 22-25 and 1 (3%) each between 25 to29, 30 to 40, and 36 to 40 years of age; 20 (54%) were sophomores 3 (8%) juniors 12 (32%) seniors and 1 (3%) each graduate and non-degree; 33 (89%) were single 2 (5%) were married and 1(3%) each separated and divorced; 35 (95%) were full time students and 2 (5%) part-time;

A seven point Likert scale was used for the questionnaires with 1=“Strongly Disagree, and 7 = “Strongly Agree” and the midpoint 4= “Neutral”. The eight questions asked students to respond, on a scale of one to seven, whether they believed that Bill was harassing Shelly; whether Shelly should confront Bill; whether Shelly should take formal action and report Bill to her supervisor; whether Bill was just being friendly; whether Ginny the observer should report Bill, confront Bill, do nothing or observe Bill’s behaviour further before taking any action. Table 2 presents the results from the pre (A) and post (B) questionnaires administered in class at the beginning and at the end of the project.

Q1-Is Bill harassing Shelly or is he just being friendly?

Results on the students’ individual belief whether Bill was harassing Shelly were significant overall and by gender. At first the students responded overall that they believed that Bill was indeed harassing Shelly (.048) but after the group discussions and exercises the significant results show that while the males changed their belief to no (.054) that Bill was not harassing Shelley but only being friendly with her, the females, however, continued to believe that Bill was in fact harassing her.

Q2-Should Bill be confronted or reported by Shelly?

Results on the students’ individual belief whether Shelly should directly confront Bill were also significant, but by course level only. Overall the response was equal (1.000), that Shelly should confront Bill. But after the group discussions and exercises the results show that while there was no difference in the responses by gender, the second year students significantly believed that Shelly should directly confront Bill.

Q3- Should Shelly immediately take formal action and report Bill to her supervisor?

Results on whether Shelly should report Bill were not significant. This perhaps indicates that the students feel that Shelly should take the initiative and ownership of confronting Bill about his behaviour rather than taking formal action and reporting Bill to the supervisor.

Q4- Is Bill just being friendly to Shelly?

Responses to whether Bill was just being friendly to Shelly were significant (.008) in that the students overall felt that Bill was just being friendly to Shelly. There were no significant gender or course level differences on this.

Q5- Should Ginny, the Observer, take the initiative in reporting Bill’s behaviour to a supervisor?

Responses about what the observer should do in this situation were significant (.009) overall. Results on whether Ginny, the observer, should take the initiative to report Bill’s behaviour to a supervisor were not significant by gender or class level. However, there was an increase in the mean for the post questionnaire by the females (from 2.68 to 3.82) and by the second year class (from 2.70 to 3.74).

Q6- Should Ginny, the Observer, directly confront Bill concerning Shelly’s perceptions of his behaviour?

Results on whether Ginny, the observer, should directly confront Bill concerning Shelly’s perception of his behaviour were also significant overall (.014). and by class level for the second year course (…) with the females believing in it (from 2.59 to 3.47) although not significant.

Q7- Should Ginny, the Observer, do nothing and let Shelly work it out?

Results on whether Ginny should do nothing and let Shelly work it out herself were not significant.

Q8- Should Ginny, the Observer, observe Bill’s actions further before she takes any action?

Results on whether Ginny should observe Bill’s actions further were not significant.

**Discussion**

Legal consciousness theory explains the ‘naming, blaming, claiming’ (Felstiner et al. 1980) process of understanding and responding by acting upon SH incidents. Therefore, in order for an individual to launch a complaint, they have to first ‘see’ a behaviour as SH, that is ‘naming’; to hold someone responsible for it, ‘blaming’; and to voice their grievance and seek amends, ‘claiming’ (McDonald, 2012: p.7). This exercise was to study the participants’ perceptions of sexual harassment behaviours in the workplace, reporting responsibilities and prevention guidelines in organizations. There are laws and policies in place in Canada for the prevention of sexual harassment in the workplace, however, there are differences in the approaches and strategies for implementing them within organizations. Students got an opportunity to explore the WDHP policies of actual organizations and make recommendations for the organizations in the given case scenario. Differences may also arise from varying levels of perceptions, recognition and action against such behaviours. Therefore, this exercise gave the students a safe environment to explore some of the key concepts such as the organizational climate and culture; policies and tolerance of sexually harassing behaviours; information, accessibility and effectiveness of sexual harassment remedies; gendered nature of the job, team or work group, and resulting power and influence factors; all are important aspects to be considered.

One group recommended that the company should adopt the City of Toronto’s “Human Rights and Anti-Harassment Policy.” In doing so the company would have a policy to refer to in situations like the one analyzed within this report involving Ginny, Bill and Shelly. By having a policy in place the company also avoids legal responsibility when such instances occur. This particular policy would be effective as it clearly states the roles and responsibilities based on titles such as: division managers, directors, managers and supervisors, human resources and employees. With the policy a human rights office was even set up to hear any allegations being brought forth by a member of the organization, suggesting that the company in this assignment also do so. The policy clearly states the definitions of both an allegation and a complaint. It provides a clear definition of what constitutes sexual harassment and how one can go about making a claim of sexual harassment. The City of Toronto defines Sexual harassment as:

“*Harassment on the ground of sex. This includes a sexual advance or solicitation from anyone if they know or ought to know the advance is unwelcome, especially if the advance is from a person in a position to give or deny a benefit or to engage in a reprisal or if a threat of reprisal is made if the advance is rejected. Other examples are sexually suggestive or obscene remarks or gestures, leering (suggestive staring) at a person’s body, unwelcome physical contact, having to work in a sexualized environment (bragging about sexual prowess, or discussions about sexual activities), circulation or posting of sexist jokes or cartoons, display of pin-up calendars or other objectifying images, negative stereotypical comments based on gender, sex or sexual orientation and gender related comments about an individual’s physical characteristics or mannerisms.”(*

It also states that the policy was *“not intended to interfere with normal social interactions between employees.”* This is important to note because a policy that interferes with normal social interactions may hinder the working environment and lead to low company morale. The employees want to be protected, thus the purpose of the policy, but they don’t want it to be so strict that they can’t have “normal” social interactions with others in their organizations. The policy will help to determine what is considered acceptable in such social interactions.

It is important to note that this was a special project and that there is no coverage of sexual harassment in the workplace for the undergraduate or graduate coursework in the faculty of management. Therefore, this is a first step and a lot more needs to be done in future. Clearly there are also limitations in using the outdated video scenario of 1991 which the students may not identify with. Therefore, a more current scenario video would be needed for training and educational purposes.

**Conclusion**

A disturbing update on some of the sexual harassment and assault cases has been made public just before the submission of this paper. On March 24, 2016, the Canadian court found Gian Ghomeshi “Not Guilty” on all counts of sexual assault charges based on the lack of credibility of the complainants. There were mass public demonstrations outside the Toronto courthouse in support of the victims as many feared that in future women would be silenced and discouraged from seeking justice through the legal process. In the US, the Vanderbilt University in Nashville, Kentucky, where five of the football team members were found to be guilty of sexual assault were released suddenly after six months in prison, on March 24, 2016 as the court declared a mis-trial based on a juror’s past history with sexual assault (20/20, 2016).

It seems clear that despite the multiple laws and policies in place there is a huge gap between what is ‘in-print’ and what is ‘in-practice’ regarding sexual harassment in the workplace and the protection of victims through the legal justice system. Moreover, Canada is not the only country dealing with such issues. Therefore, there is a need for more empirical research documenting the problem and resolution of sexual harassment in the workplace, not only in Canada but worldwide. In addition, there is a need for training and education on the issue as well as cross-cultural aspects of defining and dealing with sexual harassment. .

Kathleen Wynne, the current Premier of Ontario, is now under pressure to create legislative committee to study issues surrounding sexual harassment at work. Calling for a complete review of workplace practices surrounding sexual harassment rules, she said that existing legislation governs safe working environments making it clear that that unwanted touching and sexualized comments are entirely unacceptable in the workplace but admits that this scandal has finally shed light on the culture of poorly enforced sexual harassment policies in the workplace. “What we are talking about is whether the culture of enforcement and the culture of ongoing review and training is actually taking place….We all have to be vigilant, wherever we work, wherever we live, to make sure that all the rules are being followed.” (HRM online, 2014).

**Table 2- Results from the Pre (A) and Post (B) Questionnaires**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Pre (A)** | **Post (B)** | t-test | Sig .05 |
| Q1. I believe that Bill is harassing Shelly Overall | 5.54 | 5.05 | .045 | \* |
| Gender Male | 5.40 | 4.60 | .054 | \* |
| Female | 5.71 | 5.59 |  |  |
| Class In second year course | 5.52 | 5.00 |  |  |
| In fourth year course | 5.57 | 5.14 |  |  |
| Q2. I believe that Shelly should directly confront Bill  concerning her perceptions of his behaviour. Overall | 5.68 | 5.68 | 1.000 |  |
| Gender Male | 5.95 | 5.90 |  |  |
| Female | 5.35 | 5.41 |  |  |
| Class In second year course | 6.13 | 5.83 |  | \* |
| In fourth year course | 4.93 | 5.43 |  |  |
| Q3. I believe that Shelly should immediately take  formal action and report Bill to her supervisor. Overall | 4.19 | 4.08 | .766 |  |
| Gender Male | 3.85 | 3.70 |  |  |
| Female | 4.59 | 4.53 |  |  |
| Class In second year course | 4.30 | 4.04 |  |  |
| In fourth year course | 4.00 | 4.14 |  |  |
| Q4. I believe that Bill is just being friendly to Shelly  Overall | 2.57 | 3.38 | .008 | \* |
| Gender Male | 2.80 | 3.85 |  |  |
| Female | 2.29 | 2.82 |  |  |
| Class In second year course | 2.52 | 3.30 |  |  |
| In fourth year course | 2.64 | 3.50 |  |  |
| Q5. I believe that Ginny, the Observer, should take the  initiative in reporting Bill’s behaviour to a supervisor Overall | 2.84 | 3.68 | .009 | \* |
| Gender Male | 3.00 | 3.55 |  |  |
| Female | 2.65 | 3.82 |  |  |
| Class In second year course | 2.70 | 3.74 |  |  |
| In fourth year course | 3.07 | 3.57 |  |  |
| Q6. I believe that Ginny, the Observer, should directly  confront Bill concerning Shelly’s perceptions of his behaviour. | 3.05 | 3.92 | .014 | \* |
| Gender Male | 3.45 | 4.30 |  |  |
| Female | 2.59 | 3.47 |  |  |
| Class In second year course | 3.09 | 4.52 |  | \* |
| In fourth year course | 3.00 | 2.93 |  |  |
| Q7. I believe that Ginny, the Observer, should do nothing and let Shelly work it out. Overall | 3.54 | 3.24 | .434 | N/S |
| Gender Male | 3.45 | 3.60 |  |  |
| Female | 3.65 | 2.82 |  |  |
| Class In second year course | 3.52 | 3.09 |  |  |
| In fourth year course | 3.57 | 3.50 |  |  |
| Q8. I believe that Ginny, the Observer, should observe Bill’s actions further before she takes any action. Overall | 4.95 | 4.62 | .267 | N/S |
| Gender Male | 4.95 | 4.55 |  |  |
| Female | 4.94 | 4.71 |  |  |
| Class In second year course | 4.74 | 4.70 |  |  |
| In fourth year course | 5.29 | 4.50 |  |  |

**Exhibit 1- Arthur Andersen Vignette Summary “A Very Friendly Fellow”**

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| Shelly and Bill work at a management services firm. Shelly works on projects for Bill. She is having a difficult time escaping his physical and social advances; Bill touches Shelly on the shoulder, hugs her, and is trying to get her to go dancing. Ginny, Shelly’s colleague, observes Bill’s behaviour but she just thinks Bill is being friendly. Bill invites Ginny and Shelly to a happy hour after work. After Bill leaves, Shelly confides in Ginny that she is uncomfortable with Bill’s physical contact and has told him to leave her alone. Shelly asks Ginny “What am I going to do?” |

**Exhibit 2- Project Schedule January to April 2011**

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| January (17- 21) Students were assigned into 25 groups of nine members each.  January (21-30) Students were instructed to contact group members via the internet.  Jan (31- Feb 5) Students were shown the Video clip (twice) in one class  And asked to complete Questionnaire A.  February (1-20) Students were asked to research the definition of Sexual Harassment  And review at least two organizational policy statements.  February 20- Submit their Subgroup report to the other group members and the instructor.  February (20 - March 13) Formulate the Final Report  March (13-25) Achieve consensus and draft the Final Report  March 25-Submit the Final Report in Electronic format to the Instructor. Also submit a copy of all the email communications generated in their team during the project, for an assessment of their individual participation on the project.  April 1-In class completion of Questionnaire B. |

**Exhibit 3-Canadian Human Rights Act**

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| Harassment  **14.** (1) It is a discriminatory practice, (*a*) in the provision of goods, services, facilities or accommodation customarily available to the general public, (*b*) in the provision of commercial premises or residential accommodation, or (*c*) in matters related to employment, to harass an individual on a prohibited ground of discrimination. Marginal note: Sexual harassment (2) Without limiting the generality of subsection (1), sexual harassment shall, for the purposes of that subsection, be deemed to be harassment on a prohibited ground of discrimination. Marginal note: Retaliation  **14.1** It is a discriminatory practice for a person against whom a complaint has been filed under Part III, or any person acting on their behalf, to retaliate or threaten retaliation against the individual who filed the complaint or the alleged victim.  [**http://laws-lois.justice.gc.ca/eng/acts/h-6/page-4.html#docCont**](http://laws-lois.justice.gc.ca/eng/acts/h-6/page-4.html#docCont) |

**Exhibit 4- Laurentian University WDHP Policy (Abridged from LU website)**

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| **1. Overview-**Laurentian University is committed to building a diverse and inclusive community where every person can work and learn in an environment that is supportive of productivity and academic achievement, and respects the dignity and worth of all members of the Laurentian University community. All persons have rights and obligations in ensuring the workplace and learning environment is a safe and healthy environment. No one, whether an administrator, faculty, staff, supervisor, student, volunteer, visitor or contractor has to put up with discrimination, harassment and/or bullying at Laurentian University for any reason, at any time, as defined under the *Occupational Health and Safety Act, 1990* or the Ontario *Human Rights Code, 1990.*  **1.2 At Laurentian University of Sudbury (“Laurentian University”) every person has the right to:**  • a supportive workplace and learning environment free from discrimination, harassment and/or bullying;  • access this policy and its procedures for dealing with breaches and complaints;  • file a complaint when the environment is not free from discrimination, harassment and/or bullying;  • be supported in a sensitive and confidential manner (to the degree possible) when addressing breaches and complaints, by members of the Laurentian University community who have been given relevant training;  • be informed of complaints made against them;  • have their complaint investigated pursuant to this policy without fear of embarrassment or reprisal;  **7. Rights of the Complainant**  If you believe that you are being harassed or discriminated against, you have the right to:   * Meet with the Human Rights Advisor to raise or discuss matters under the policy. * File an informal written complaint to be dealt with through the informal resolution process by way of Alternative Dispute Resolution. * File a formal complaint to be dealt with through the formal resolution process. * Have the matter dealt with promptly, without fear of embarrassment or reprisal. * Have a person of your choice accompany you during the process. * Be informed about the progress of the matter. * Be treated fairly. * Be informed of the type of corrective measures that will result from the matter   **8. Rights of the Respondent**  If you are the individual against whom allegations have been made under this policy, you have the right to:   * Meet with the Human Rights Advisor. * Be informed of the matter and the identity of the complainant and be given a written statement of the official allegations, and the opportunity to respond to them. * Have a person of your choice accompany you during the process. * Be informed about the process of the matter. * Be treated fairly. * Be informed of the type of corrective measures that will result from substantiated allegations.   **4. Examples of Sexual Harassment-**Examples of Sexual Harassment include but are not limited to:  • Any unwanted attention of a sexually oriented or gender oriented nature directed at an individual or group by another individual or group of the same or opposite sex who knows, or ought reasonably to know, that this attention is unwanted or unwelcome.  • Any implied or expressed promise of reward for complying with a sexually oriented request or advance.  • Any implied or expressed threat of reprisal for refusing to comply with an implied or expressed sexually-oriented request.  • Any behaviour, verbal or physical, of a gender or sexually oriented nature that interferes with the academic or work environment of an individual or group or creates an intimidating or hostile, or offensive atmosphere.  14. **Investigation Results and Reports**  The Chair of the investigation team shall submit a written report to the Human Rights Advisor summarizing the results of the investigation and including a determination as to whether this policy has been breached along with recommendations as to remedies and/or corrective or disciplinary action. |

**Exhibit 5- Ontario Human Rights Code, 1962**

The Preamble to the *Code* was inspired by the 1948 Universal Declaration of Human Rights, an international statement of rights agreed to by many of the world’s nations. It is the basis for many of our human rights protections in Canada and around the world. The Preamble sets the tone and spirit for the Code’s basic aim: to create a climate of understanding and respect for all persons, without discrimination. The courts have said that because of the importance of the principles set out in the *Code*, it should be given abroad and generous interpretation. When there is a difference or conflict between the *Code* and another Ontario law, the *Code* usually has priority. The *Code* permits special discounts for older persons2, “golden age” passes and other benefits for persons over 65 years old. Limits on selling tobacco and alcohol to persons under 19 are also allowed.

***Harassment in Employment***

*(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or disability.*

“Harassment” means comments or actions that are unwelcome to you or should be known to be unwelcome. You have the right to be free from humiliating or annoying behaviour that is based on one or more grounds in the *Code*. Harassment requires a “course of conduct,” which means that a pattern of behaviour or more than one incident is usually required.

**Poisoned Environment**

You might feel that your workplace is hostile or unwelcoming to you because of insulting or degrading comments or actions that have been made about others based on a ground in the *Code*. When comments or conduct of this kind have an influence on others and how they are treated, this is known as a “poisoned environment. A poisoned environment cannot, however, be based only on your personal views. You must have facts to show that an objective person would see the comments or conduct resulting in unequal or unfair terms and conditions.

**Sexual Harassment in Workplaces**

*(2) Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee.*

“Harassment” in this section means comments or actions based on sex or gender that are unwelcome to you or should be known to be unwelcome. They may include humiliating or annoying conduct. Harassment requires a “course of conduct”, which means that a pattern of behaviour or more than one incident is usually required for a claim to be made to the Human Rights Tribunal. However, a single significant incident may be sufficiently offensive to be considered sexual harassment. Women and men have the right to be free from sexual harassment. Sexual harassment includes unwelcome sexual contact and remarks, leering, inappropriate staring, unwelcome demands for dates, requests for sexual favours and displays of sexually offensive pictures or graffiti. For example, an employer’s repeated and vulgar sexual comments to an employee could constitute sexual harassment.

The comments or conduct do not have to be sexual in nature. Someone may tease or bother you because of gender-based ideas about how men or women “should” look, dress or behave. If you are a transgendered person, you are protected from degrading comments, insults or unfair treatment because of gender identity.

**Poisoned Environment**

You might feel that your workplace is hostile or unwelcoming to you because of insulting or degrading comments or actions that have been made about others based on the ground of sex. When comments or conduct of this kind have an influence on others and how they are treated, this is known as a “poisoned environment”. A poisoned environment cannot, however, be based only on your personal views. You must have facts to show that an objective person would see the comments or conduct resulting in unequal or unfair terms and conditions.

**Sexual solicitation by a person in position to confer benefit, etc.**

*(3) Every person has a right to be free from,*

*a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or*

*b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.*

You have the right to be free from unwelcome advances or requests for sexual favours made by a boss, supervisor or other person in a position of power.

**Example:** A supervisor makes unwanted sexual advances to an employee. In this situation, it may be implied, directly or indirectly, that a promotion is at risk of being denied if the individual does not agree to accept the advance. If the supervisor punishes the person because he or she rejected the advance, this is called a “reprisal”. This kind of “getting even” is against the *Code*.

**Example:** A female employee is fired or demoted because she refused a “sexual proposition” from her manager.

**Harassment and Your Safety**

If you are being harassed at work and have concerns about your safety, please alert someone you believe can assist you. This could be your employer, police, local community agencies and/or women’s shelters.

***Punishment for Exercising Rights***

*8. Every person has a right to claim and enforce his or her rights under this Act, to institute and participate in proceedings under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing.*

If you believe that your rights under the *Code* have been violated, you may contact the Human Rights Legal Support Centre, consult a lawyer of your own choosing, file a human rights application with the Human Rights Tribunal, or file a grievance under your collective agreement to protect your rights. You cannot be punished or threatened with punishment for trying to exercise these rights. Any attempt or threat to punish you is called a “reprisal”. The following examples may be a form of punishment or “reprisal” and can result in another human rights claim on that basis:

An employee quits her job after making a sexual harassment claim under the Code against her employer and obtains new employment. She discovers that her previous employer contacted her present employer and made negative comments about her because of her human rights claim.

<http://www.ohrc.on.ca/sites/default/files/guide%20to%20your%20rights%20and%20responsibilities%20under%20the%20human%20rights%20code.pdf>

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