

# Personal Harassment – KNOW YOUR RIGHTS

## What is personal harassment?

Personal harassment is a disruptive, work-related problem which can occur between you and a co-worker or your supervisor or manager. It's unacceptable behaviour which denies you your dignity and respect, and which threatens to affect your well-being and job performance. It is any unwelcome behaviour that offends, humiliates or embarrasses you.

## Are you being personally harassed?

Every employee has the right to work in an environment free of harassment and to be treated with respect, courtesy and dignity.

Harassment is a type of discrimination that can take many forms, such as:

- Unwelcome remarks, jokes, gestures or taunts about subjects such as your race, religion, disability or age
- Refusal to talk or work cooperatively with you
- Threats, intimidation or verbal abuse
- Displaying sexist, racist or other offensive pictures, graffiti or other material
- Unnecessary physical contact such as patting, touching, pinching or punching
- Physical assault, including sexual assault

## Personal harassment can be a single incident or several incidents over a period of time.

### What to do if you are harassed:

You have the right to employment free of harassment. Don't ignore personal harassment. If you are harassed, here are several steps you can follow:

- 1. Object! The first time it happens.** Tell the harasser the behaviour is unwelcome and it must stop. If it doesn't, report it.
- 2. Contact the Guild immediately.** You have the right to have a union representative accompany you to any meeting or discussions concerning the allegations, and we recommend that you advise your supervisor or other management representative that you wish to exercise this right.
- 3. Document your case.** Keep a written record of each incident, including times, places, witnesses and your response to the harasser. Keep all evidence in a place other than at work.
- 4. Notify** the company's Human Resources manager or office, or another manager of your choice. Do it in writing.
- 5. Don't be afraid to ask for help.** Seek personal support from sympathetic co-workers, friends or family. Counseling is available through your EAP program.
- 6. Don't be afraid of reprisals.** It's illegal for the employer to take action against you if you have filed a complaint in good faith or asked to act as a witness.

## Personal harassment has taken place if a reasonable person ought to have known that the behaviour was unwelcome.

### What your employer should do if you file a complaint:

Your employer is responsible for any harassment that occurs in the workplace. It is the employer's duty to:

- make it clear that harassment will not be tolerated;
- make sure that every employee understands the policy and procedures for dealing with a complaint;
- inform supervisors and managers of their responsibility to provide a workplace free of harassment; and
- investigate and correct harassment problems **as they come to light**, even if a formal complaint has not been received.

## Once your complaint is filed, then what?

Your employer should begin an investigation for the purpose of gathering information. No conclusions will be drawn at this stage.

Your employer should ask the person accused of harassment to a confidential interview to explain the complaint, advise the person of the corporation's policy regarding harassment and to record that person's version of the facts.

### Seeking resolution:

Your employer will try to resolve the complaint in a way that's acceptable to both parties.

Each party in the complaint has the right to union representation throughout the process.

If the allegations are confirmed and disciplinary action is warranted (i.e. a reprimand, suspension or dismissal), the appropriate procedures will be followed.

## What to do if you are accused of personal harassment:

- Contact your union immediately. You have the right to fair representation and support.
- Discuss the matter with your supervisor or Human Resources representative.
- Cooperate fully with the employer's representative who is conducting the investigation so that the facts can be determined.

## Your employer is expected to take appropriate action to safeguard its employees against the effects of unfounded or malicious allegations of harassment.

### What the Guild will do:

The Canadian Media Guild has a legal obligation to represent members who believe they have been personally harassed. The Guild is also obliged by law to represent members accused of personal harassment.

When a member contacts the Guild with a complaint of harassment, the Guild will assign individual union staff representatives to represent the interests of any members involved.

The Guild will not attempt to determine guilt or innocence. That is determined after a thorough investigation conducted by the employer under the collective agreement and according to the law.

The complainant may choose to file a grievance at any time. If the complaint is still not resolved, the case may go to arbitration.

The complainant may also file a complaint with the appropriate Human Rights Commission.

### For more information, contact us:

 **Canadian Media Guild**

1-800-465-4149 ♦ 416-591-5333

guild@interlog.com ♦ www.cmg.ca

or talk to a member of your local union executive.