

Sexual Harassment – KNOW YOUR RIGHTS

What is sexual harassment?

Sexual harassment is ANY unwelcome conduct, comment, gesture or contact of a sexual nature that offends or humiliates you. Sexual harassment creates a hostile, offensive and intimidating environment. It can interfere with your ability to do your job or get one.

Are you being sexually harassed?

Here are some examples:

- Unwelcome remarks, jokes, innuendoes or taunts about a person's body, clothing, sex or sexuality
- Insulting gestures or practical jokes of a sexist or homophobic nature
- Displaying sexist or pornographic pictures, graffiti or other material
- Unnecessary physical contact such as patting, touching, pinching or staring at body parts
- Refusing to talk to or work cooperatively with a person because of his/her sex or sexual orientation
- Threats such as loss of employment, assignments or promotion or of retaliatory discipline if you do not agree to sexual demands
- Sexual advances or sexual assault

Sexual harassment is objectionable and offensive behaviour which may occur once or repeatedly.

What to do if you are sexually harassed:

You have the right to employment free of 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 your union immediately.** You have the right to have a union representative accompany you to any meeting or discussions regarding 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.

Sexual 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 must be made clear that sexual harassment will not be tolerated. Your employer is legally obliged to have a sexual harassment policy. It is also 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 is required to begin an investigation for the purpose of gathering information. No conclusions will be drawn at this stage.

Your employer will 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 should 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 sexual harassment:

- Contact the Guild 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 sexually harassed. The Guild is also obliged by law to represent members accused of sexual harassment where the alleged harassment arises out of their employment situation.

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.