

HARASSMENT- RECOGNIZING IT!

The Yukon *Human Rights Act* prohibits harassment in employment, housing, rental accommodations, and the delivery of services or public contracts. Employers, landlords, business owners or organizations providing services to the public are responsible for creating and maintaining a harassment free workplace or service.

Employers, landlords and service providers are not only legally responsible for their own behaviour, but may also be liable for any harassment by their employees, tenants or clients. In certain cases, employers may also be liable when employees harass customers or are harassed by them. Employers, landlords or service providers should take active steps to prevent harassment and to stop it, and must do so if they are aware, or ought to be aware that harassment is occurring in their place of business.

What effect does harassment have on the workplace?

Annoyance, absenteeism, increased costs due to sickness, low productivity, low morale and high turnover are some of the consequences of harassment in the workplace. Complaints of harassment can be time consuming and damage an employer's reputation in the community, and result in major legal expenses.

What is harassment?

Harassment is a type of discrimination and targets an individual or a group because of their sex, race, disability, sexual orientation or any of the other protected characteristics in the Yukon *Human Rights Act*.

Harassment is any behaviour that demeans, humiliates or embarrasses a person and that a reasonable person ought to have known would be unwelcome. It includes actions, comments or displays. Harassment is considered, when there are several incidents over a period of time, although a single incident may be considered harassment if it is extremely serious such as an assault.

Harassment has the affects of creating an:

- Intimidating, hostile or offensive working or living environment;
- Unreasonable interference with an individual's work performance or housing arrangements;
- Negative affect on an individual's employment opportunities, access to housing or services.

What is sexual harassment?

Sexual harassment is deliberate and unwelcome behaviour, and can be offensive sexual comments, gestures or physical contact that are unwanted or offensive. It may also involve favours, promises of favours, advantages in return for giving in to sexual advances or, the threat of revenge for refusing them.

What are some examples of harassment based on the grounds of discrimination listed in the Yukon Human Rights Act?

- Unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, religion or any of the protected grounds listed in the *Yukon Human Rights Act*, or any other personal characteristic
- Displays of sexually explicit, sexist, racist or other offensive or derogatory material
- Written or verbal abuse or threats
- Patronizing or condescending behaviour
- Abuse of authority that undermines someone's performance or threatens her or his career
- Vandalism of personal property
- Humiliating or embarrassing an employee in front of co-workers or customers/clients
- Ignoring, isolating or segregating a person or group
- Pornographic, racist or offensive images which are displayed publicly, circulated, or put in someone's work space or belongings, or on a computer or fax machine.
- Requests for sexual favours in return for a promise of a reward or a threat of reprisal
- Unwanted physical contact ranging from touching, grabbing, pinching to assault.

Harassing actions need not be intentional in order to be considered harassment. The harasser could be of the same or opposite sex as the person harassed, may be a supervisor, co-worker or someone providing a service. Harassment can make the workplace an intimidating, hostile or offensive place. This is sometimes called a "poisoned work environment".

This is a general guide only. For further information on harassment, or advice in developing a harassment policy, contact the Yukon Human Rights Commission, 101-9010 Quartz Road, Whitehorse, e-mail humanrights@yhrc.yk.ca or phone 667-6226 or toll free at 800-661-0535 or check our website at www.yhrc.yk.ca There is no charge for our services.