Navigating Issues in a Complex Workplace

Respectful University Services
Human Resources Department

Karyn Fleck, MSW/RSW

October 30, 2017
Before you speak…

THINK!

T – is it True?
H – is it Helpful?
I – is it Inspiring?
N – is it Necessary?
K – is it Kind?
Respectful University Policy

The purpose of this policy is to cultivate a respectful workplace and learning environment through the prevention and swift resolution of harassment and discriminatory incidents.

This Policy covers:
- Discrimination
- Harassment
- Personal Harassment or Bullying
What is Discrimination?

Discrimination is intentional or unintentional differential treatment based on one’s membership in a protected group for which there is no reasonable justification.

- Based on one or more protected characteristics, generally referred to as “prohibited grounds”
- Treatment imposes burdens, obligations or disadvantages; denies opportunities
Prohibited Grounds

Also referred to as **protected characteristics**

- Country of origin, nationality, ancestry, race, colour
- Religion, belief system or creed
- Sex, sexual orientation, gender
- Disability
- Marital or family status
- Receipt of public assistance
- Age, physical size or weight
What is Harassment?

Objectionable, offensive comments or conduct that is:

• unwanted and unwelcome

• behaviour which a “reasonable person” would know (or ought to know) would be humiliating, intimidating, offensive or constituting a threat to the health or safety of an individual; or

• would reasonably be perceived to constitute a hostile, intimidating or humiliating environment or perceived as a promise of reward or threat of reprisal

• constitutes a threat to health or safety
What is Harassment?

**Personal harassment** is objectionable or unwelcome treatment without legitimate purpose *NOT* based on a prohibited ground.

This is now included in the *Saskatchewan Occupational Health and Safety Act*. 

---

*University of Regina*
Harassment can include:

- Unwelcome physical contact
- Inappropriate looks or gestures
- Circulating offensive materials
- Persistent criticism and unreasonable demands
- Harassing emails or posts to social media sites
- Offensive jokes
- Malicious gossip
- Insulting and demeaning verbal comments

Harassment usually involves repeated harassing behaviour; one incident that is serious enough to significantly impact your ability to cope might also constitute harassment.

http://hres.mcmaster.ca/resources-1
Key Concepts

• Standards of reasonableness
• Impact versus intent
• A range of behaviour from mild to severe
• Responsibility to convey ‘unwelcome’
Sexual Harassment

Attention of a sexual nature or attention based on gender, or sexual orientation that is unwanted and unwelcome

• Intimidating, demeaning, humiliating

• Threat of punishment/promise of reward (quid pro quo) or hostile environment

• Threat to health or safety
  – Can be behaviour that includes sexual attention of an interpersonal nature
  – Can be behaviour that is derogatory and demeaning based on sex or gender
Examples of Sexual Harassment

- Staring, leering or gesturing
- Sexual jokes, innuendoes or teasing
- Persistent and unwanted flirting, requests for dates, gifts, phone calls, love letters
- Gender-based comments such as those about sex life or body parts, or gender derogatory comments
- Unwanted touching, patting, rubbing against or pinching
- Stalking, rape and other explicit sexual aggression
- Quid pro quo
Prevalence of Sexual Harassment

- 20% – 30% of undergraduate women state they have been sexually harassed
- 70% – 90% of university students who are sexually harassed experience the harassment from another student
- In the workplace, 40% – 75% of women responded that they had been sexually harassed
- 15% of men also indicated they had experienced sexual harassment in the workplace
What is Personal Harassment?

Personal harassment:

• a clear pattern of mistreatment
• severe enough to create a hostile, intimidating or humiliating environment
• may also constitute an abuse of unequal institutional power or misuse of authority of reprisal
• serves no legitimate purpose
What is Personal Harassment?

**Personal harassment** refers to objectionable and unwanted behaviour with no legitimate purpose that is:

- not based on a prohibited ground, but which constitutes a clear pattern of mistreatment by a person who knows, or ought reasonably to know, that the behaviour is unwanted and/or unwelcome, and

  a) would reasonably be perceived to be severe enough to create a hostile, intimidating, or humiliating environment for working or learning; and/or

  b) constitutes the abuse of an unequal institutional power relationship, or misuses authority.
What is Not Harassment?

• Appropriate disciplinary action
• Insistence on academic excellence
• Academic study of controversial topics
• Appropriate direction of the workforce
• Correction, grading or assessment of academic work
• Mildly bothersome behaviour which is not harmful
• Relationships or interactions of mutual consent
• Jokes and teasing that are not offensive to others
• Practices required or permitted by law
What is the Difference between Offensive and Harassment?

- Not everything that causes concern or gives offense is harassment.
- If this were true, then no interaction is safe.
- Harassment is a serious accusation which should not be used as a label for petty acts and foolish words.
- We are not perfect. All of us, on occasion, are stupid, heedless, thoughtless, and insensitive.

Heather Laing, 1994 Board of Inquiry Decision BC
Unacceptable? How do I know?

- Do I take part equally in the behaviour? Does it make me uncomfortable? Is my behaviour causing someone else discomfort?
- Do I encourage the behaviour or return it - is it welcome?
- Would I approve if someone behaved like this with my child, parent, spouse or partner?
- Would I want this behaviour reported to family members or written about in the local newspaper?
What does it look like?

A respectful work and learning environment is one in which we value each other’s contributions, work, and roles:

- value and respect our similarities and our differences
- treat each other with dignity and respect and can expect to be treated with dignity and respect
- treat others as they wish to be treated
What does it look like?

• Strive to communicate effectively and courteously
  – speak without judging, blaming or shaming
  – listen to what others have to say
  – be open-minded about their ideas, comments and suggestions

• Address conflicts in a positive and constructive manner
What does it look like?

- Address disrespectful behaviour and harassment
- Create and maintain a healthy and productive working and learning environment that fosters respect for, and is supportive of, the dignity, self esteem and fair treatment of everyone taking part in its activities
Demonstrating Mutual Respect …
Communicating About Respect

• Sincere effort to understand other points of view
• Accepting that others have values and opinions that are different from our own – not wrong, different
• Identifying our own feelings before sharing our concerns with another person
• Do not blame, threaten or name call, even if angry or hurt
• If it’s a problem you haven’t been able to resolve, seek assistance
What is a Respectful Workplace?

A respectful workplace is one that:
• Safeguards the well-being and dignity of all of its staff and clients
• Welcomes diversity and is careful to be inclusive
• Is compassionate
• Values, develops, and rewards its people
• Actively guards against disrespectful or abusive behaviour
• Makes it safe to discuss what isn't working, and focuses on solutions
• Equips its staff to recognize and address conflict, bullying, and harassment at the earliest possible stages
• Is ready to deal in an appropriate and timely manner with inappropriate behaviour
• Is prepared to address the aftermath of negative workplace events in a compassionate manner that will help to restore mutual trust and respect
Building Respect

• Remember that each co-worker/colleague/student is an adult, and treat them that way.
• Remember it takes a vast range of jobs and people in them to create an environment conducive to learning and working.
• We are interdependent on each other. Let your colleague know what you need from them courteously, and with consideration for their time.
• Listen to each other actively – find out what your colleague is really saying.
• Remind yourself that every person on campus knows things that you don’t know and has skills that you may not have.
• Be mindful that when we work as a team, we all contribute to our workplace and our community.
Assessing Humour

• Does it single out a vulnerable group?
• Does it promote prejudice?
• Who is having fun at whose expense?
• Does it reinforce a negative stereotype?

From Out of Bounds Workshop, National Sport Centre, Calgary
If You are Harassed...

- Say “No” – let the person know the behaviour is unwanted and unacceptable
- Document what is happening – take notes
- Seek assistance (local level, RUS office); consultations are confidential
- Options for resolution:
  - Self-managed resolution
  - Alternate resolution options
  - Complaint process
- Other resources internally and externally
Sensitive Areas

- Social Media
- Email
- Religion
- Sexual orientation
- Stereotyping
- Cultural differences
Cyberbullying in the Workplace: New Tools for Old Behaviour

• Texting – e.g. attack comments
• Tweeting – e.g. gossip
• Social media – e.g. posting inappropriate material
• Hacking – e.g. into another employee’s computer and accounts and snooping around
• Email – e.g. cc’ing employees with more authority on a complaint
• Email when unjustified

McKay & Fratzl (2011)
Email Bullying – Misuse of Email

- Create excessive work for an employee
- Exclude individuals from communications
- Include higher levels of the organization (cc’ed) - draw attention to an action (or lack of action)
- Raise the priority of an issue without consultation
- Allows employees from all levels of an organization to place unreasonable demands on each other
- Allows one to jump the lines of authority
- Allows one to shift the work queue

McKay & Fratzl (2011)
Email

• Do not send emails when angry.
• Watch the tone – remember: no body language can be interpreted, only your words.
• Avoid sending confidential information – make a phone call or ask to discuss sensitive issues in person.
• Use “Reply All” and “CC” judiciously; do they all really need to know?
• If you email back and forth 3 times and the problem is not resolved, pick up the phone.
Email’s Cousin: Texting

• Can a company look at your personal exchanges on its electronic devices?

• Personal information on a company device is subject to monitoring.

• Employees may overlook the fact that shopping for personal items on a work computer or perusing Facebook on a company mobile phone could be subject to scrutiny, especially by private companies.

• "If your employer has anything to do with giving [you] your phone, whether it's paying for it or not, you're safe to assume that the text on it is not private."
Email’s Cousin: Texting

- Privacy Expectations of Employee Texting on Employer Devices
- Employee’s Personal Texting During the Work Day
- “Textual Harassment”
- Employee Texting While Driving
2 Simple Social Media Rules Everyone Needs to Know About

- Never say anything you wouldn’t say to your mother

- What happens in Vegas stays on email, Facebook, Instagram, etc.
Social Media Pitfalls

• Think about privacy
• Employment impact
• Cyber-bullying
• Sexting
REGION: Tri-City moves to fire employees over Facebook posts
UNION REP CALLS FOR EVIDENCE AGAINST NURSES

Blog: Internet
Exclusive: Whole Foods Market Disciplines Employees For Facebook Posts

Workers fired over Internet postings

Many employees disciplined for Facebook posts; companies still lack policy
How to avoid being fired because of Facebook

1. Don’t do it during work time unless you have permission to do so.
2. Don’t post anything that you wouldn’t feel comfortable posting or discussing in the lunchroom at work.
3. Remove comments posted by others that can get you into trouble.
4. Raise your privacy settings.
5. Do not ever admit to anything even remotely resembling a crime.
How to avoid being fired because of Facebook

6. Don’t disclose personal information that you are not comfortable having out there.

7. Monitor your information.

8. Be considerate of others when you are posting things.

9. Don’t discuss confidential stuff online.

10. Be careful if you mix your personal and business online.
How to avoid being fired because of Facebook

• Badmouthing the boss, company, or product (or expressing negative, false, or inappropriate comments about competitors, which can be construed as the company’s views)
• Posting or being tagged in inappropriate pictures
• Posting status updates when off work due to an illness
• Posting off-color, controversial remarks that go against the company’s mission, vision, and values
• Posting confidential or sensitive job-related materials
• Breaking any corporate policies or laws that could jeopardize the company or its customers
• Monitor your profiles
• Set your privacy settings
• Know the company’s social networking policy
OOPS!

keyinfluencer: True confession but I'm in one of those towns where I scratch my head and say "I would die if I had to live here!" about 19 hours ago from twirl

Mr. Andrews,

If I interpret your post correctly, these are your comments about Memphis a few hours after arriving in the global headquarters city of one of your key and lucrative clients, and the home of arguably one of the most important entrepreneurs in the history of business, FedEx founder Fred Smith.
Her employer responded:
“This is an outrageous, offensive comment that does not reflect the views and values of IAC. Unfortunately, the employee in question is unreachable on an international flight, but this is a very serious matter and we are taking appropriate action.” (December 20, 2013)
"I meant to ask for this to be iced." -- Well, I meant to go to grad school and do something fulfilling with my life. So...Oops, I guess?

"I wanted the ice cubes on the bottom of my drink, not the top" -- Sorry about that. I'll inform physics.

We're both on the same team... You want your coffee quickly, and I want you to leave as soon as possible.
crunk_bear CarlyCrunkBear
Naked. Wet. Stoned.
3 days ago Reply Retweet

crunk_bear CarlyCrunkBear
My seven dwarfs. #trippy #color #baked #sevendwarfs #dopey http://t.co/ZE9DYTdl
4 days ago Reply Retweet Favorite

Received reply from @carlycrunkbear
Hot. Wet. Stoned. #FreeCrunkBear
Overland Highschool - cherrycreekschools.org

crunk_bear CarlyCrunkBear
Sleep naked. Good night twitter. Sweet muthafuckin dreamzzzzz http://t.co/0RjAoCQi
3 days ago Reply Retweet Favorite 2 more

crunk_bear CarlyCrunkBear
Listening to @diplo in the shower leads to this... #expressyourself #whitegirlass #twerk #twerkteam http://t.co/qpFRMbaAz
3 days ago Reply Retweet Favorite 31 more
Obnoxious Facebook pic can wreck your life this quickly

17 hrs ago

How fast can one obnoxious Facebook picture ruin your life? This fast. Few people would defend Lindsey Stone's decision to have her picture taken while giving the finger in front of a sign at Arlington National Cemetery asking visitors for "Silence and Respect" — and few would have been proud enough of the shot to post it on Facebook. ("This is just us, being the douchebags that we are," Stone wrote, accurately, about the picture.) Now she's the target of a Facebook page with more than 8,000 likes called "Fire Lindsey Stone." Stone works at a nonprofit organization helping adults with disabilities — at least for now. She's currently on unpaid leave pending an internal investigation. [Source]
Questions
Comments
Discussion
Contact Information

Karyn Fleck, MSW/RSW
Dr. William Riddell Centre
University of Regina
Room 251.14
Regina SK   S4S 0A2

respect.matters@uregina.ca
306-585-5400

www.uregina.ca/hr/services/respectful-university-services/index.html