



5 Minute Safety Talk - 2

## What is harassment and what isn't harassment?

What are harassment and bullying?

We have all been talking more about harassment in the workplace lately. What do we mean by harassment? Harassment in the workplace is a kind of violence. It may look like bullying, intimidation, or sexual misconduct. It is not OK, and we all have a role in making the places we work free of harassment.

So let's get some of the terms straight first. Today we are going to talk about workplace harassment, sexual harassment, non-Code harassment, and bullying.

**Workplace harassment** is defined in the laws in most provinces and territories, but it varies a little from one place to another. The definition is usually along the lines of this: *“Engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome.”*

Let's break that down.

### **Vexatious comment or conduct:**

Ok, *vexatious* is not a word we use every day. It means “causing trouble” or “brought with the intention of annoying, irritating, bothering or upsetting.” So we are talking about comments, jokes, gestures or other actions that are upsetting to someone. The point, though, is not whether the person making those comments or gestures has the **intention** of making trouble. It's whether those actions are felt or seen to be bothersome or upsetting.





***A course of conduct:***

This means that the harasser makes more than one passing comment or obnoxious gesture. There is usually a pattern here. However, one really serious act might also be seen as harassment.

***Conduct that is known or ought to be known to be unwelcome:***

So, if you *know* your jokes are sexist or racist, you also *ought to know* that such comments are unwelcome, especially on a set or any other workplace. If you know and don't care, it is definitely a case of intentional harassment.

If you *don't* know, you should. That's what the law means when it says: "knows or ought to know." You have a responsibility to know that some kinds of talk and actions are out of line at work. Inappropriate.

Harassment based on a worker's sex has often been reported on shoots and other places related to the workplace. **Sexual harassment** is prohibited by very specific human rights legislation in every jurisdiction in Canada.

Sexual harassment can take several forms. It may involve making derogatory comments or gestures about a person's body, sex, sexual orientation, or it could be pressure to provide sexual favours. Reprisal for rejecting a sexual advance is also sexual harassment.

Here are some examples of conduct that has been found to be sexually harassing:

- Demanding hugs
- Invading personal space
- Unnecessary physical contact, including unwanted touching
- Sex-specific derogatory names, threats or taunting
- Comments or conduct relating to a person's perceived non-conformity with a gender role or stereotype
- Spreading sexual rumours (including online)
- Bragging about sexual prowess



***Bullying:***

Sometimes harassment is not related to a person's sex, race, religion, ethnicity or another characteristic that defines their identity. We often use the term **bullying** for harassment that is *not* covered by human rights codes. It is just plain bad behaviour. Taunting, yelling, throwing things, freezing someone out and belittling a person are all forms of bullying, and usually an abuse of power of one worker or manager over another worker. Beyond being just inappropriate, bullying also falls under activity that is prohibited in a workplace.

Some behaviour that may not be entirely welcome is NOT considered harassment. Some examples are:

- Offering constructive feedback
- Making a legitimate complaint about another worker's conduct
- Reasonable manager direction about job duties, workload, and deadlines
- Work evaluation or performance management
- Discipline, suspensions and termination

Employers are responsible for making sure no one is bullied or harassed at work, and we all have a role in speaking up when we see someone being bullied. This new attitude will move us toward changing the culture in the screen industry. In the past, people have "gotten away with" sexist remarks and bullying behaviour. And many times, no one objects or complains. They might worry that complaining could have consequences. Talking openly about these issues in our safety talks is one way we are working to change the culture of our workplace.

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