

SEXUAL HARASSMENT HAS NO PLACE AT WORK

Sexual harassment takes many forms, all of them unacceptable at CN. Most cases of sexual harassment fall into two categories: direct and indirect. Direct harassment includes physical overtures, such as unwelcome touching, remarks about an individual's body or attire and demands for sexual favors. But there is another, more subtle form of sexual harassment, which is equally harmful, says **Elisabeth Lecavalier**, system coordinator - Human Rights.

"Indirect harassment, such as suggestive comments and innuendo, repeated over and over, and pornography, aimed directly at an individual, or simply present in the workplace can create a poisoned environment - for both men and women - in which it is impossible to work."

While it may have been acceptable 20 years ago to have a "girlie" calendar in the workplace, today the practice is frowned upon.

A ruling in a precedent-setting case in 1991 in Florida said that having sexually explicit photographs in the workplace can constitute sexual harassment. Covered in the *HR Executive* in April 1991, the ruling has some obvious parallels to companies such as CN. The lawsuit involved a female welder working in a shipyard - a woman in a non-traditional position in a male dominated environment. Unlike CN, the company did not have a policy on sexual harassment, although the case resulted in the judge ordering one to be implemented. The judge's opinion, the most lengthy in the history of sexual harassment cases in the US, said pornography in the workplace is a "visual assault on the sensibilities of female workers."

Among the photographs and drawings hanging in work areas in the shipyard were a life-sized picture of a nude woman and a photograph of a dart board with the woman's breast as the target. Ms. Lecavalier says some past complaints of sexual harassment at CN filed before the Canadian Human Rights Commission are "far worse and too graphic to include here." However, employees at CN have recourse in cases of sexual harassment (see accompanying story).

In addition to making women feel uncomfortable, pornographic pictures and drawings, both soft- and hard-core, may offend men.

Alex Eliuk, personnel officer, Mountain Region, gives seminars on sexual harassment awareness, and is among the many men who believe pictures of scantily clad women are inappropriate in the workplace. "Once, when I used the washroom near a training room where I was giving a seminar, I saw 'page 3' photographs (pictures of nearly nude women found in some daily newspapers) in the cubicle. I took them down and replaced them with sexual harassment pamphlets. I never heard a peep from anyone."

Since then, Alex has noticed that the pamphlets have been removed - but the pictures have not been replaced. "Some men might say that is their domain and it's not harassing females by having photographs there," he says. But other men feel that such pictures reduce women, including their female co-workers, to mere sex objects rather than treating them like the unique individuals they are.

Seminars on sexual harassment are given to management and supervisory personnel throughout CN. During a four-month period in 1989 Mr. Eliuk and co-trainer, **Mary McLaughlin**, conducted 50 seminars to try to reach all management and supervisory people on the Mountain Region. "A Human Resources officer recently gave a seminar to Rules and Training instructors in Transportation. I was pleased that they took the initiative to ask for the seminar."

The question of what constitutes sexual harassment in terms of pictures generates two basic reactions in the seminars, says Alex. "The more 'traditional' group believes that they



Unwelcome advances by either sex have no place at work

should be able to put up photographs anywhere they want. The others think this is ludicrous and that there is no place in the office or worksite for such pictures."

This includes displaying photographs of famous nude paintings on office desks or walls.

Mr. Eliuk says it is not a question of deciding what is artistic, but rather, what is appropriate in the workplace. "Each case must be judged individually," he says. For example, there may be photographs of people wearing bathing suits on a beach which are not suitable to have at the office, while other photographs of people wearing bathing suits may

be acceptable. "A reasonable person knows when something is amiss. I try to appeal to the individual's common sense and good judgement in determining what is sexual harassment," says Alex. "By giving seminars, we hope to nip problems in the bud."

Elisabeth Lecavalier adds: "It is a well known fact that companies with a sexual harassment policy, a formal complaint process which is well publicized and known to employees, as well as a sensitization program, have fewer complaints than companies without these procedures, which act as a deterrent to sexual harassment."

■ Ellen Kom
Special to KEEPING TRACK



TAKE RECOURSE - IT'S YOUR RIGHT!

CN is serious about discouraging sexual harassment, as can be seen by its policy on the subject as well as in pamphlets and seminars.

If you are being harassed, you should take the following steps:

- Tell the harasser to stop.
- Keep a written record of dates, times, the nature of the behavior and witnesses, if any.
- If the harassment still continues after the harasser has been spoken to, you should speak to your supervisor and confirm the conversation in a letter.
- If the supervisor is the harasser, or if you aren't satisfied with the supervisor's reply, take your complaint higher.
- Send your Human Resources representative a copy of the letter written to the supervisor.

In addition, the person in authority receiving a formal complaint should ensure that the harasser is advised that the above steps have been taken.

Ms. Lecavalier also suggests another step: "Some people may feel more comfortable speaking first, in confidence, to a Human Resources representative before even talking to the harasser, especially when the harasser is the boss."

CN's policy guide defines sexual harassment as including "any conduct, comment, gesture or contact of a sexual nature likely to cause offence or humiliation to any employee, employment candidate or member of the general public, or which might reasonably be perceived as placing a condition of a sexual nature on employment, an opportunity for training or promotion, or access to the goods, service facilities or accommodations of the company."

Some examples of sexual harassment are:

- Displaying objects or pictures of a sexual nature in the workplace.
- Practical jokes which cause embarrassment.
- Unwelcome solicitations or requests, direct or indirect.
- Intimidation, or any other comments or behavior which might be construed as a demand for sexual favors.
- Direct verbal abuse such as unwelcome remarks, jokes, innuendos or taunting about a person's body or attire.
- Unnecessary physical contact such as touching, patting or pinching.
- Gestures of a sexual nature.

