

A Canadian View on Harassment

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There is a great amount of similarities between the U.S. and Canada regarding workplace harassment. The biggest thing to remember about harassment is that it is in the mind of the beholder whether or not that they have suffered harassment.

The next step is to determine if that harassment is a reasonable complaint or not. In Canada, a couple of different Acts or laws help to determine this. The Canadian Human Rights Act covers Federal Employees and individuals whose workplace is Federally regulated. There are also similar Acts within each Province and Territory to cover the individuals not affected by the Federal Policies.

Although an individual may be covered by different acts within different provinces, they are all basically the same in intent and purpose. The first thing to understand is that harassment does not have to be intentional or repetitious. In addition, the person who feels harassed does not have to bring the matter to the attention of the “harasser.”



People should be aware that stating “don’t be offended” is not a defence for harassment. You have absolutely no control over how someone feels or what he or she finds offensive. If you have been made to feel belittled or demeaned this *may* be construed as harassment. This leads me to talking about nudism in the workplace. As the other online article about sexual harassment in the U.S. that appears in this section of your “online law library” reads, the same goes in Canada. The conversation about nudism itself in the workplace is not illegal. However, if someone has asked you not to have further conversations about nudism and you persist, it *may* then become grounds for a harassment complaint.

It is like a situation that occurred in Canada several years ago. A male and female co-worker would tell each other “racy” jokes every morning at the start of their workday. This went on for several years. One day a particular joke did not sit well with the female co-worker, and she filed a harassment complaint. The complaint was upheld. It is important to note that if a third party had walked by and overheard the joke and was offended, they could have successfully filed a harassment complaint.

It would also be of value to have a firm understanding of your workplace policies and regulations regarding harassment and what may or may not be considered appropriate topics of conversation, as understood by your employer.

It is also important to understand that the face of the Canadian workforce is changing rapidly. Canada's immigration rate is greater than Canada's birth rate. This means a much more diverse workplace is emerging and with it different cultural norms and expectations. This is where WCANR and AANR (and all regions within AANR) are working hard to educate the North American population about our chosen lifestyle. My request to you is that when you have the opportunity to discuss nudism, I recommend you know your audience and be prepared to address the concerns your workplace might have with these discussions. If people are unhappy hearing about nudism at your workplace, then respect their wishes and hold your conversations in private elsewhere.

I have witnessed a few situations where workers were asked to come out to a nudist location without being informed of the setting. While this may solicit a few chuckles and perhaps an embarrassing moment or two, I strongly suggest informing people up front that the location of the required work is at a nudist venue. I feel it is showing others the respect that we are asking of them in return.

In closing, when it comes to issues surrounding harassment, good information leads to good decisions. To that end, if you would like additional information on this subject do not hesitate to contact your regional or national AANR offices.

Have fun and watch out for those nasty tan lines.

Editor's Note: Steve Critchley received his initial training for harassment investigation from the Canadian Federal Government. He has investigated harassment complains for both the Federal Government and the private industry. Currently Steve is the contract mediator for the Canadian Human Rights Commission.

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