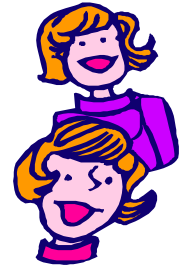


HILL ADVISORY NEWS

“Working with the human side of business”



Can Sexual Joking Between Same-Sex Co-Workers Constitute Sexual Harassment??



A Saskatchewan Human Rights Board of Inquiry recently considered whether sexual joking and horseplay among female co-workers could constitute sexual harassment

- * Maria worked as a cook in a small restaurant in a rural community. Most of the other employees in the restaurant were female, including her supervisor Joan. The atmosphere in the restaurant was relaxed and the employees were always making jokes about one another. Sometimes the joking included sexual references and horseplay, which made Maria feel uneasy. Maria had recently separated from her husband. She became upset when her co-workers took advantage of her situation to make fun about her sex life.
- * One day Maria was standing at the kitchen sink washing dishes. Her supervisor Joan came up behind her and stuck a broom handle between Maria's legs. Maria jumped and told Joan the broom handle had touched her in the genital area. Joan disagreed and told Maria she had not held the broom handle that high. Maria then related the incident to her employer. The employer called Joan into his office and stated this type of behaviour would not be tolerated and it should stop immediately! Joan apologized and said it would not happen again.
- * Several weeks later Maria was standing on a stepladder cleaning some kitchen equipment. Joan again came up from behind her, held a screw between her legs, and said "Is this screw long enough?" Maria got angry, turned around slowly and kicked Joan in the chest.
- * Shortly after Maria quit her job. She filed a sexual harassment complaint against Joan and her employer with the Saskatchewan Human Rights Commission. She claimed she had been discriminated against on the basis of her sex. Maria also complained of the 'smutty' joking among the female employees and that she had been verbally sexually harassed. She sought reimbursement for lost wages.
- * The Human Rights Board of Inquiry determined sexual harassment could occur between two co-workers of the same sex. They found the horseplay incident with the broom handle as "an affront to Maria's sexual dignity as a woman." The Board ruled Maria's supervisor Joan came within the definition of 'employer' in the Human Rights Code and therefore concluded "it was sexual harassment committed by the complainant's supervisor and was sexual discrimination contrary to the Code." Joan was therefore ordered to pay Maria \$250.00 for the damage to her dignity. However, they found the incident with the screw was not sexual harassment since the screw did not touch Mary's genital area.
- * The Board noted the case against the actual employer was unsubstantiated, since the employer had taken action immediately after being notified about the broom handle incident by speaking to Joan and warning her to stop her behaviour.
- * The Board had some difficulty deciding if joking about sexual activity with fellow co-workers of the same sex constituted sexual harassment. In regard to Maria's assertion that the sexual joking was demeaning and poisoned the workplace, the Board felt "crude language about sexual activity was not necessarily sexual harassment." It was determined Maria should have advised her fellow employees and her supervisor if she was offended by the sexual banter. Since Maria had not expressed her disapproval, the other employees and her supervisor continued to assume she was a willing participant. Therefore, the Board ruled there was no sexual harassment based on the sexual joking.
- * The Human Rights Board of Inquiry dismissed Maria's claim for lost wages on the grounds that any loss was not due to the one substantiated sexual harassment incident involving the broom handle.

**** Does this decision lead one to suspect that if a 'male' supervisor had made the same type of comments to Maria that her 'female' supervisor had, the Board would have concluded the sexual jokes and innuendo constituted sexual harassment ??**



Celebrating The New Millennium !!

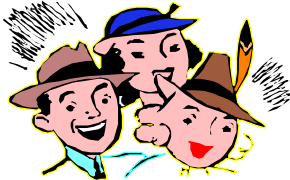


As the world celebrates the arrival of the new millennium, Hill Advisory Services too will celebrate its' 10th Anniversary in the year 2000! It seems like only yesterday we began providing our services to clients across the country. We thought it might be fun to look back and see what has happened over the last 10 years! To the best of our recollection, we estimate we have:

- * conducted hundreds of workshops
- * provided training to a few 1000 people
- * met lots of terrific people, made many friends and had lots and lots of fun



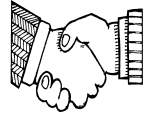
- * drank a zillion cups of coffee
- * learned about computer technology
- * lost count of number of e-mails
- * flown over a million miles
- * spent half our lives in airport terminals
- * checked into a few 100 hotels



- * conducted over 300 'harassment' investigations
- * prepared hundreds and hundreds of reports and witnesses' statements
- * coordinated and conducted tons of interviews

But most important

- * We have established a professional and trustworthy relationship with our clients!



Over the last 10 years, we have enjoyed meeting all of you at our Workshops, Investigations, Workplace Assessments and other various events. We have developed a network of skilled and experienced Associates who have enjoyed providing top-quality service to our numerous clients. We appreciate the cooperation we have received from so many of you to help make our events so successful! We look forward to renewing old acquaintances over the next 10 years as well as making many new friends. We hope everyone enjoys bringing in the new millennium and look forward to seeing you again in the year 2000!!



Special Announcement

"We are pleased to announce that Mr. James De Bruin will be joining Hill Advisory Services November 1st, 1999 as a full-time Associate. James brings a unique background and education to Hill Advisory Services that will supplement our skills and services. Welcome James and Good Luck!"

* * * * *

For information on our public workshops or to obtain a current public workshop schedule contact Janet in Calgary:

- * Fax/Phone: (403) 254 - 0462
- * E-mail: burketr@cadvision.com

**EARLY
BIRD
SPECIALS**

Seating is limited!
Register early & save \$\$\$



Special thanks to the following clients for all their help with various events over the last few months!

- * Kathy Dahl and Lois Baerg at the City of Saskatoon for organizing the Harassment Awareness and Prevention annual training sessions for employees in October.
- * Nancy Amoytte of Saskatchewan Government Insurance (SGI) for coordinating the final sessions of the Awareness and Prevention Discrimination/Harassment training for union leaders; workplace safety and health committee members; and managers last November.
- * Sharilyn Alexander at the Government of N.W.T. for organizing the November Harassment Investigation workshops for their staff.
- * Barry Kelly of Springhill Jr-Sr High School for arranging the Harassment Investigation sessions with educators for the Chignecto-Central Regional School Board in Truro, Nova Scotia in late November.

On the Move



Even though Cam Hill & Associates are constantly on the move - you can always get in touch with us!!

- * E-mail: camhill@mb.sympatico.ca
- * Mailing Address: 57B Apple Lane
Winnipeg, Manitoba R2Y 2G9
- * Fax/Phone: (204) 831-7661

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Watch for our new website
which is currently under
construction!

