

Sexual harassment case study

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Individual Case Study #1 1. Is there a case of sexual harassment in this situation or is it only fun? This is a case of sexual harassment because; the words and actions of fellow employees ultimately made Rosetta quit her job. The technical definition of harassment is when members of an organization treat an employee in a different manner due to that person's sex, race, religion, age, and etc. Harassment also includes unwelcomed remarks or jokes which make the employee feel uncomfortable.

These guys that Rosetta had been working with, as she mentioned were making remarks and asking uncomfortable questions regarding her personal relationships (asking about her boyfriend, asking intimate details and asking if she prefers Canadian men over Italian men), the guys made dirty jokes and purposely made sure that Rosetta heard them, which is another sign of harassment - it causes Rosetta to feel awkward and embarrassed at her workplace (somewhere where she should feel comfortable and safe).

Not only, do these guys make dirty jokes, but the manager, Al also contributes and encourages these guys regardless if it's making another employee uncomfortable. These guys make fun of Rosetta when she comes into work, with remarks like calling her "Risotto" which in Italian means rice with gravy, not only is this an unwelcomed remark, it's taunting her and insulting towards her Italian culture. Another form of harassment is displaying offensive or pornographic items in a workplace environment.

According to Rosetta, these guys post centrefolds pinned on their machines, which are pictures of nude or almost nude women. This is highly inappropriate for the work environment and makes Rosetta uncomfortable. When Rosetta asked these men to refrain from asking awkward and

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inappropriate questions and to leave her alone, they said that “ Italians are just braggarts” which is derogatory and condescending term against her race. Sexual harassment; a form of harassment, was also present in this situation.

Sexual harassment has three different characteristics; the first one being that the encounters must be unwelcomed to the complainant, expressly or implicitly known by the responder to be unwelcomed. This applies to this situation because Rosetta let the guys know that she did not like the remarks by saying “ leave me alone” and “ mind your own business” and they still continue to make remarks which leads to the second characteristic; conduct must continue despite the complainant protests, finally the third characteristic is complainant's cooperation must be due to employment related threats.

Rosetta suffered and took the harassment for so long from the fear of the manager, and being fired from her job. 2. If you were Eva, what would-and could-you do? What are the options? What is the probability of success of each option? Rosetta faced indirect systematic discrimination, which indicates that there is no intention to discriminate, but the system, arrangements, or policies allow it to happen. To begin with, Eva could have talked to the Manager, which she had and it didn't lead her to positive results.

So, she could either go above the manager or go directly to the Human Resource department of that company. This is a long process, which has many steps so Eva could choose to go to the Canadian Human Rights Commission. The Canadian Human Rights Act is a federal law that <https://assignbuster.com/sexual-harassment-case-study/>

permits discrimination anything under federal jurisdiction, for example banks, airlines, government agencies, radio and TV companies. Areas that are not covered but the federal jurisdiction are covered by the provincial human rights act.

The Canadian Human Rights Commission (CHRC) is there to supervise and implement any action under the Canadian Human Rights Act. Any person/group that has reasonable ground to believe that they have been discriminated against has the right to file with CHRC. For Eva to report harassment has taken place against Rosetta, she must first take permission from Rosetta, otherwise there is a chance that her complaint could be rejected. However, there are many things that Rosetta has to be careful with, the CHRC does not accept complaints that are over a year old, if the complaint seems trivial or made in bad faith.

Eva must report this problem immediately with the correct proof so her complaint wouldn't be dismissed. After Eva has filed the complaint, it will be further investigated. It will either be ruled as substantiated or non-substantiation, if ruled substantiated, (in support of complainant) then an attempt to make a settlement will be made. If no settlement is made, then the Human Rights Tribunal Panel can be appointed to further investigate the complaint. If they find that there was discrimination against Rosetta, then she will be compensated as seen appropriate.

Eva can also file a complaint with the Ontario Human Rights laws and commission, which will investigate the complaint (also with the consent of Rosetta) and a settlement will be offered to satisfy both parties if no settlement is reached, then complaint will be further investigated. Both

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these processes are very long, but proven in favour of the complaint many times. However, there are times where there is no discrimination/harassment found in the case.

Another thing Eva could do is try to implement the employment equity program within the organization. This program (usually run by employers) is used to undo past employment discrimination and prevent future discrimination and create equal employment opportunity within the company. Eva, with the help of the HR department could use this program and the example of Rosetta to prevent future situations like this by educating the employees about the laws, and diversity. It can also help undo the harassment that Rosetta faced. . What are Al's responsibilities in this instance? Did he carry them out well? Why or why not? Employers, or managers have one basic responsibility towards their employees, which is to provide a safe environment for their employees and Al, as the manager failed to do so. The job of managers/supervisors is to know the law and to implement it within their organization/team. His responsibility is to be aware of what harassment is, different types of harassments and the signs of harassed workers.

His responsibility as a manager was to put a stop to the harassment and discrimination Rosetta was facing, and report those employees to the Human Resources Department or to the CHRC. Not only did he fail to put a stop to the harassment, he failed to report it and was also part taking in the harassment by encouraging the jokes those guys were making that made Rosetta feel uncomfortable. Another responsibility of a manager is to have

good communication not only within the team members but good employee-to-manager communication which is failed to establish with Rosetta.

She did not feel comfortable talking to her manager about the harassment, which ultimately made her quit her job because she felt she had no one to talk to and ask for help. Al, also fails to recognize the harassment happening and blames it on Rosetta not being able to take the jokes lightly and took the accusation of Rosetta being harassed very lightly. He did not carry his responsibilities out well for the reasons stated above, he created an unsafe, uncomfortable environment for one of his employees.