



physical problems such as headaches, insomnia and anxiety attacks.

Conflict in the workplace also affects the employer. It undermines morale, leading to absenteeism, low productivity and staff turnover. It also stifles ideas and initiative—the price paid for not allowing people to develop to their full potential.

When does conflict become harassment?

Exactly what constitutes harassment varies, depending on the circumstances in a particular case. Generally speaking, harassment is a behaviour which goes beyond what most individuals would consider acceptable, i.e., it fails the “reasonable person” test. Some conflict that is serious and must be addressed to improve the working environment may not, *technically*, be harassment. The following kinds of conduct may be considered harassment:

- conduct that is both unwelcome and offensive, including sexual harassment;
- abuse of authority, for example, threats; or
- conduct that is discriminatory under the *Canadian Human Rights Act*.

Unwelcome conduct is unwanted by the person who is its target. The perpetrator knows, or *reasonably ought to know*, that the behaviour is unwelcome. **Offensive conduct** may include degrading remarks, jokes or taunting, insulting gestures, displays of offensive pictures or materials and unwelcome inquiries or comments about someone’s personal life. This kind of behaviour stems from a lack of respect for others and can harm the working environment, whether or not it meets the legal test of harassment in a particular case. Physical and sexual assaults are extreme forms of unwelcome and offensive conduct and are prohibited by the *Criminal Code*.

Abuse of authority means taking advantage of a position of authority to exploit, compromise or mistreat others. It may include behaviour such as shouting, belittling an employee’s work, reprimanding an employee in front of other staff members, favouritism, or unjustifiably withholding information that an employee needs to perform his or her work. We are bound by the Treasury Board policy on abuse of authority, which forbids any misuse of authority that would endanger an employee’s job, undermine an employee’s performance, threaten his or her livelihood or interfere with his or her career.

Threats can be specific or implied. Creating an intimidating, hostile or offensive work setting for someone can constitute threatening conduct. For a statement to be considered a threat, it must point out a consequence that is totally out of proportion with the cause and the circumstances. Pointing out the reasonable consequences of an action is not a threat. For example, telling an employee about the consequences of poor job performance is not a threat, even if it makes the employee uncomfortable.

Conduct that is discriminatory under the Canadian Human Rights Act singles out an employee for unwanted attention or different treatment because of his or her race, national or ethnic origin, colour, religion, age, sex, marital or family status, physical or mental disability, or conviction for an offence for which a pardon has been granted. Sexual harassment means any sexual conduct, comment, gesture or contact, whether it has happened once or on a continuing basis, that causes offence or humiliation to an employee or causes an employee to reasonably believe that a condition of a sexual nature has been placed on employment, training or promotion.