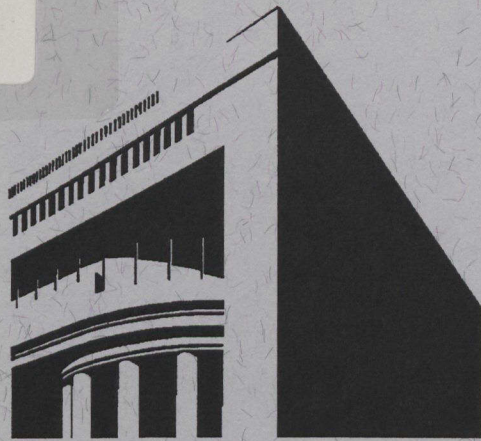


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Sexual Harassment in Canadian and U.S. Firms:
A Survey of Perspectives, Procedures and
Remedies

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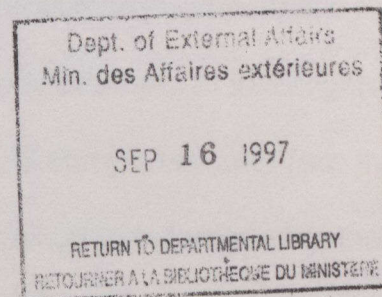
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ABSTRACT

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**Sexual Harassment in Canadian and U.S. Firms:
A Survey of Perspectives, Procedures, and Remedies**

A report to the Canadian Embassy

by

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This study was funded through the Canadian Studies Grant and the Ohio University Research Grant.

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ABSTRACT

Sexual harassment has been a major source of concern for both Canadian and U.S. companies. U.S. companies have spent a considerable amount of time and money litigating sexual harassment claims. The literature does not specify whether Canadian firms are encountering the same kind of expense in defending similar suits. Both management and labor express confusion about what exactly constitutes sexual harassment. Since Canada and the U.S. have such frequent interactions and strong trade agreements, it is extremely important that both countries be very familiar with the laws and practices of the other to avoid serious misunderstandings and breeches of the law. Sexual harassment violates both Canadian and U.S. law, however, there are differences in the legal and administrative requirements imposed upon the corporations.

It is the purpose of this study to identify 1) differences in Canadian and U.S. legal definitions of sexual harassment; 2) whether Canadian and U.S. employees hold differing perspectives as to what behaviors constitute sexual harassment and whether the source of the harassment (supervisor, co-worker; subordinate) as any effect on whether a behavior is labeled as being sexually harassing; 3) what responsibilities does each country place on corporations in terms of sexual harassment policies; and 4) Canadian and U.S. remedies for sexual harassment. This study attempts to investigate these differences and to explain the possible difficulties that US companies may face in Canada regarding sexual harassment and vice-versa. By thoroughly understanding the legal obligations in each country, it is more likely that companies can avoid charges of sexual harassment.

The results indicated that respondents in both countries recognize potentially harassing behaviors; work in companies that have sexual harassment policies that are effective in reducing sexual harassment; have experienced training on sexual harassment; and have not personally experienced sexual harassment. There is a minority of respondents primarily from the Canadian firms who have experienced harassment and who have felt uncomfortable in reporting their experiences due to the fear that they would not be believed, fear of retaliation, or fear that the company would not respond to their complaint.

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It is the purpose of this study to identify 1) differences in Canadian and U.S. legal definitions of sexual harassment; 2) whether Canadian and U.S. employees hold differing perspectives as to what behaviors constitute sexual harassment and whether the source of the harassment (supervisor, co-worker; subordinate) as any effect on whether a behavior is labeled as being sexually harassing; 3) what responsibilities does each country place on corporations in terms of sexual harassment policies; and 4) Canadian and U.S. remedies for sexual harassment. This study attempts to investigate these differences and to explain the possible difficulties that US companies may face in Canada regarding sexual harassment and vice-versa. By thoroughly understanding the legal obligations in each country, it is more likely that companies can avoid charges of

sexual harassment.

Although the primary goal of this study is to learn about the international differences in sexual harassment law and practices, another important contribution of this study will be in identifying how Canadian and U.S. employees 1) have encountered harassment in the workplace (what kind of harassment; how often; and who was the harasser) 2) how harassed employees actually responded to the harassment 3) how the harassed employees thought they should have responded to the harassment 4) what complaint channels were used 5) the perceived efficacy of those channels 6) how the organization responded to the employee's complaint 7) how the corporation responded to other complaints of employees 8) whether the employee suffered any direct or indirect retaliation 9) whether the employee experienced other adverse effects from the harassment.

There has been some research to suggest that those who experience harassment and who report their experience engage in a form of whistleblowing (Dandekar, 1990). In reporting the behavior, many employees may experience the same type of retaliation that other whistleblowers encounter - poor job ratings, threats, an uncomfortable work environment, etc (Gutek & Koss, 1993; Miceli & Near, 1988; Livingston, 1982). As a result, the victim of harassment may elect to engage in several coping strategies - exiting the organization, voicing a complaint; remaining loyal to the organization and hoping that the situation will correct itself, or coping through neglect of their work. Research has shown that many individuals display these possible responses when confronting organizational wrongdoing (Gutek, 1993; Withey &

Cooper, 1989; Farrell, 1983; Farrell & Robb, 1980; Hirschman, 1970; Kolarska & Aldrich, 1980).

It would seem that the literature suggests that victims of sexual harassment are confronted with a specific type of organizational wrongdoing. If wrongdoing is perceived, then the recipient might respond in several ways ranging from Loyalty to Neglect. The type of response chosen is greatly dependent on the victim's perception of the organization's responsiveness to sexual harassment issues and in part, on the moderating influences of individually based characteristics such as Role Conflict or Role Ambiguity (Popovich & Licata; 1987). It would appear that responses to sexual harassment involve many variables prior, during and after the incident in question. The question remains as to how these variables relate to one another.

A recent article by Fitzgerald, Hulin, and Drasgow (1994), consolidates the antecedents and consequences of sexual harassment into a comprehensive framework. The model proposes that two antecedents of sexual harassment - organizational context and job context. Organizational context refers to those aspects of the organizational climate which tolerates sexual harassment and the accessibility, presence of, and effectiveness of harassment remedies. Job Context refers to the gender ratio in day-to-day work contacts, the sex of the supervisor and the gender stereotypes of the job tasks.

The possible outcomes of sexual harassment fall into three categories: job related outcomes, psychological outcomes, and health outcomes. Job-related outcomes involves organizational withdrawal which is comprised of work withdrawal

(cluster of behaviors that reflect attempts to avoid one's work tasks - absenteeism, tardiness, etc.) and job withdrawal (turnover intentions, retirement intentions, etc.)

Psychological outcomes such as job stress, dissatisfaction along with Health

Outcomes - the physical manifestations of stress - illness, sleeplessness etc.

Fitzgerald and her associates seem to indicate that any study of sexual harassment must be comprehensive in nature.

By looking at all of these variables, Canadian and U.S. firms can begin to understand whether sexual harassment is a common phenomena in the workplace and what companies are (or should be) doing to eradicate such practices. This study can provide guidance to Canadian and U.S. firms in terms improving complaint channels and may also provide some guidance on what behaviors would or would not violate the law. A primary antecedent of sexual harassment is the legal environment and regulations that are present in each country. It is the legal environment which defines what behaviors constitute sexual harassment and what the organization is legally bound to address - i.e., policies forbidding sexual harassment, grievance procedures, and other remedies.

Legal Definitions of Sexual Harassment. The Canadian definition of sexual harassment is very similar to the U.S. version. According to the Canada Labour Code, sexual harassment constitutes "...any conduct, comment, gesture, or contact of a sexual nature that is (a) likely to cause offense or humiliation to any employee, or (b) that might on reasonable grounds be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

(Canadian Master Labour Guide, 1986, p 224). Sexual harassment also violates the Canadian Federal and Provincial Canadian Human Rights Acts, however, the courts have adopted a very broad interpretation as to what behaviors comprise sexual harassment.

U.S. law also regards sexual harassment as being illegal and a violation of Title VII of the Civil Rights Act of 1964. Title VII prohibits private employers from discriminating against particular protected classes such as sex. The law does not set forth specific definitions of sexual harassment. The governing agency of Title VII, the Equal Employment Opportunity Commission, has been given the power to issue specific written guidelines which are given due consideration by the court system. The EEOC has authored written guidelines on sexual harassment which give specific definitions concerning sexual harassment and some examples of these behaviors (Popovich, 1988).

The EEOC Sex Discrimination Guidelines defines sexual harassment as being "unwelcome sexual advances, requests for sexual favors, and other verbal conduct of a sexual nature" (EEOC Guidelines, 1980). Sexually harassing behaviors fall into two general categories 1) quid pro quo - where the victim must submit to sexual advances of her harasser in order to keep or obtain some employment benefit (such as pay or a promotion). 2) Hostile environment - where the sexual behavior is severe and pervasive enough to create an intimidating environment that adversely affects the victim's work environment as first defined in the Meritor v. Vinson case. Both types of harassment are violations of Title VII on the basis of gender. There is a possibility that

sexual harassment might encompass a broader perspective since the EEOC has come out with Interim guidelines on harassment based upon one's membership in a protected class (which would include not only gender, but on the basis of race, national origin, etc). These guidelines would expand the definition of harassment to incidents of gender-based animus (Federal Register, 1993, p 51267).

The legal definitions alone do not provide a clear understanding of how sexual harassment is defined. Court cases provide guidance as to not only what is considered sexually harassing behavior, but indicates what evidence is critical in supporting such charges.

Case Studies. Pellicciotti (1992), has proposed that the Canadian courts have relied heavily on U.S. decisions and cases. However, some cases may have implications for U.S. businesses in Canada as well as providing guidance for U.S. decisions regarding sexual harassment (Pellicciotti, 1992). The Canadian Case Re Janzen and Platy Enterprises, 1989, first directly stated that sexual harassment is a form of sex discrimination. The Canadian Supreme Court reviewed both U.S. and other Canadian provincial law and concluded that there was precedence to consider sexual harassment as being a form of sex discrimination (Pellicciotti, 1992). The Supreme Court's decision directly contradicted the Manitoba Court of Appeals which stated the two concepts of sex discrimination and sexual harassment should be regarded as two separate legal concepts.

Re Janzen and Platy Enterprises also had one other interesting opinion set forth by the Canadian Supreme Court. The Canadian Supreme Court rejected the U.S.

categorization of sexual harassment as being either quid pro quo or hostile environment. This is a departure for the Canadian Court since many U.S. legal definitions and interpretations have served as models by the Canadian Courts. The Canadian Supreme Court purposefully rejected this dichotomy and left the definition of sexual harassment as any unwelcome sexual conduct (Pellicciotti, 1992). This broad definition might make it easier for sexual harassment victims to litigate their cases, especially since the Canadian Supreme Court did not attempt to specify what behaviors constitute sexual harassment. It is unclear whether this broad definition will actually cause a greater number of cases to be brought before the courts. There is also a possibility that U.S. corporations might not be aware of the broader interpretations, thus increasing the possibility of confusion over what exactly is sexual harassing behavior and an increase in actual violations of sexual harassment.

Employers from both countries are responsible for the actions of their employees and any other "agents" so it is extremely important that employers in each country is fully aware of the other's legal definitions of sexual harassment. However, Canadian and U.S. courts have consistently maintained that an employer will reduce their liability if strict policies against sexual harassment are implemented by the company. Both countries have some guidelines as to what these policies should contain.

Employer Liability. The Canadian Supreme Court decision of Robichaud v. R., 1987 stated that employers have a duty to provide a safe and healthy work environment as stated by the Canadian Human Rights Act. Employers will be liable for the actions of their supervisors if the supervisor's behavior results in the "job-related"

disadvantage of the victim (Aggarwal, 1991, pp. 4-6). This liability extends to agents and all supervisory personnel, but could extend to line employees in certain circumstances (Aggarwal, 1991). The Canada Labour Code also states that every employee has a right to a workplace which is free of sexual harassment and that every employer shall make a reasonable effort to ensure that every employee is protected from harassment.

The Canadian employer has the responsibility to issue a policy statement which must include: " a) a definition of sexual harassment that is substantially the same as the one contained in the Code; b) a statement that every employee is entitled to employment free of sexual harassment; c) a statement that the employer will make every reasonable effort to ensure that no employee will be subjected to sexual harassment; d) a statement that the employer will take appropriate disciplinary action against any person under his direction who subjects any employee to sexual harassment; e) a statement outlining how complaints of sexual harassment may be brought to the attention of the employer; f) a statement that the confidentiality of the complainant will be maintained except where disclosure of the complainant's name is necessary for purposes of investigating the complaint or taking disciplinary action in relation to the complaint; and g) a statement informing employees of their rights under the Canadian Human Rights Act to seek redress under that Act in respect of sexual harassment. The employer is obligated to ensure that all persons under his direction are made aware of the policy statement" (Canadian Master Labour Guide, 1986, p. 225).

The U.S. Supreme Court and the EEOC have stated that liability is reduced if:

1) there is a company policy which specifically prohibits sexual harassment; 2) there is a company grievance procedure designed to resolve sexual harassment claims; 3) the grievance procedure does not require the victim to first complain to their immediate supervisor. (Ledvinka, 1991, p. 76). The interim guidelines on harassment by the EEOC states that the employer will be liable for harassment when 1) the employer knew, or should have known of the conduct and failed to take immediate and appropriate corrective action 2) where the harassing supervisory employee is acting in an 'agency capacity' (this would be established if the employer failed to establish a policy which conforms to the above standards) 3) when co-workers engage in harassment and the employer knew or should have known about the harassment and the employer failed to take corrective action 4) non-employees harass employees where the employer and the employer's agents knew or should have known about the harassment and failed to take immediate and corrective action (this will be decided on a case-by-case basis and will be partially dependent on how much control the employer has over the non-employee) and 4) if employer does not take proper preventative measures (having an explicit policy against harassment that is clearly and regularly communicated to employees, explaining sanctions for harassment, developing methods to sensitize all supervisory and non-supervisory employees on the issue of harassment, and informing employees of their right to raise and the procedures for raising, the issue of harassment under Title VII, the ADEA, the ADA, and the Rehabilitation Act.) (Federal Register, 1993, p. 51269; Popovich, 1988).

Summary. It is clear from the preceding information that Canadian and U.S. employers must be aware of and concerned with the legal responsibilities not only of their own firms, but those of their host countries. This understanding will lead to policies which will make the workplace a more satisfactory place to be as well as reducing costly litigation.

Procedure. A total of 300 firms from the U.S. and 250 firms from Canada were contacted either by phone or by mail. Out of those firms, a total of 6 firms agreed to participate in the U.S. study and a total of 8 Canadian firms elected to participate. All firms were sent a minimum of 50 questionnaires and one firm was sent 150 questionnaires. The average return rate was around 10% with a high return rate of approximately 50% in another firm. Questionnaires were returned over a three-month period of time (most surveys were collected towards the end of November, 1996 for the U.S. firms and January 20 for the Canadian firms).

The questionnaire was modeled after the U.S. Merit System Protection Board's Survey on Sexual Harassment in the Workplace (1981). Permission was given by the MSPB to use and modify their instrument. The instrument was chosen because it measured various aspects of sexual harassment: employee definitions and perceptions as to what constitutes sexual harassment; personal experiences with sexual harassment; perceptions of organizational efforts at preventing sexual harassment; perceptions of the effectiveness of those prevention strategies; and organizational and personal characteristics of the respondent. (MSPB, 1981).

Once the surveys had been collected, the staff at the Computing Services

Center at Ohio University programmed the scanning equipment to process the questionnaires. After the questionnaires were scanned into the computer, the data was analyzed using SPSS statistical package. Two principle analysis were performed - frequency data and Chi-Square Analysis (X^2). Given that much of the data was nominal, the X^2 is most appropriate to demonstrate whether the obtained frequencies were significantly different from the expected frequencies. However, some questions were not analyzed since cells with 5 or less observances do not lend themselves to analysis (Wood, 1977).

Once the data was analyzed, a frequency count was done for each question. It should be noted that the number of returned questionnaires is small for some companies and may not be representative of the firm's views of sexual harassment as a whole.

In order to clarify the findings of this study, each section of the questionnaire will be examined. All of the frequency results are presented in Appendix 1.

Uninvited Behaviors and Actions. All of the behaviors (Questions 1 through 6. Many employees may see these behaviors as being sexually harassing if a supervisor commits these acts. Fewer employees may identify these behaviors as being examples of sexual harassment if an employee displays these behaviors. The results of the survey seem to indicate that a majority of respondents do find these behaviors to be harassing no matter if a supervisor or a co-worker is the source. Both Canadian and U.S. firms indicated that these behaviors did constitute harassment, but there seems to be greater agreement that the source of the harassment made a difference -

i.e., if the source of the behavior was a supervisor, more respondents stated that the behavior would definitely constitute harassment. There is a slight reduction in the number of people who agree that the behaviors would be sexually harassing if displayed by co-workers. Fewer respondents identified uninvited jokes or sexual teasing as being harassing whether a supervisor or a co-worker committed the behavior.

It is important to note that no matter who commits the behavior, the organization is still responsible for the harassing behaviors of supervisors and employees alike. If employees are not identifying these behaviors as being sexually harassing, it might be helpful to implement a training program which would educate workers on what behaviors constitute sexual harassment.

Handling Sexual Harassment. Questions 7 through Question 19 attempts to survey the employees on what behaviors they feel are helpful in reducing sexual harassment and what steps the organization takes to reduce or prevent sexual harassment. These questions ask employees whether the organization has adopted some of the policies and procedures suggested by the U.S. Equal Employment Opportunity Commission Guidelines and the Canadian Human Rights Act concerning sexual harassment. These guidelines attempt to communicate ways in which the employer may reduce the amount of liability in sexual harassment cases. The first guideline is that employers must have a written policy of sexual harassment. It is important to note that even if there is such a policy, employees need to be informed about this policy. In addition, the policy should contain information about formal

complaint channels - procedures and processes which outline how a victim of sexual harassment may put forward a complaint.

The results indicate that most respondents work for a company which is concerned about reducing sexual harassment (U.S.=144; Canada=111) and have sexual harassment policies (U.S.=176; Canada=129). It was interesting to note that a significant X^2 was found for the question "Has your organization established policies prohibiting sexual harassment" ($X^2 = 11.18, df=2; p<.01$). A significant X^2 was found for the question "If your organization has an official policy prohibiting sexual harassment, to what extent does the policy make a difference in the way people behave towards one another?" ($X^2 = 17.10, df=4, p<.01$). Although some respondents report that they feel these policies reduce the instance of sexual harassment (U.S.=138; Canada=85), a minority either feels that the policy only reduces sexual harassment slightly to not at all (U.S.=40; Canada=36) or are unaware of the existence of a policy (U.S.=21; Canada=41). Perhaps of more concern is the fact that a significant minority (N=50) are not aware of the complaint channels for victims of sexual harassment although the majority (U.S.=149; Canada=42) are aware of the complaint channels.

Another set of questions examined another recommended method for reducing liability - sexual harassment training. Two issues are important - whether the training is given and whether the training is perceived to be effective. Since the organization is responsible for the harassing behaviors of supervisors and employees alike, it might be helpful to implement a training program which would educate workers on what behaviors constitute sexual harassment.

Respondents report that most training programs are geared towards supervisors (U.S.=129; Canada=86) but there is a significant number of respondents reporting that training is also given to non-supervisory personnel (U.S.=90; Canada=68). It might be helpful if more companies expand their training programs to all employees since this might solve the problem of informing employees concerning the formal complaint channels within the organization and educating the workers on all aspects of sexual harassment so co-worker harassment can be significantly reduced.

Employees were divided in their personal experiences with sexual harassment training. Many reported participating in such programs (N=83; Canada=57) but a larger number reported that they had not participated in any training (U.S.=105; Canada=101). It is worthwhile to note that a small number (U.S.=13; Canada=5) reported unsure as to whether they participated in a training program or not which may indicate a need for more focus and clarity in the training program. A majority (U.S.=66; Canada=46) reported that they had experienced this training less than two years ago. Results indicate that the respondents demonstrated significant changes in their beliefs and attitudes as a result of the training ($X^2=16.14$, $df=5$, $p<.01$). The results of that training indicate that most respondents either felt more sensitive about the issue of sexual harassment (U.S.=47; Canada=43) or became more sensitive to the feelings of others (U.S.=20; Canada=5). Another significant finding was whether respondents felt that their organization's training program tended to prevent sexual harassment ($X^2=16.70$, $df=5$, $p<.01$) with respondents indicating that training prevented harassment only to a moderate extent (U.S.=80; Canada=51). A majority of

respondents (U.S.=158; Canada=113) felt that public attention paid to sexual harassment made people more careful in their behavior either to a moderate or great extent. It would appear that employees feel that public scrutiny had a greater effect on behavior than did the organizational training programs.

When asked what are the most effective actions that an employee can do to make others stop bothering them sexually, the majority of respondents reported that it was most effective to either: 1) asking or telling the person to stop (U.S.=165; Canada=141) 2) reporting the behavior to the supervisor or other official (U.S.=162; Canada=133) or 3) filing a formal complaint (U.S.=103; Canada=93). When asked what are the most effective behaviors that the organization can take to reduce sexual harassment, respondents reported that all of the options would be effective although there was particular emphasis on the establishment of policies (U.S.=162; Canada=145); publicizing the penalties of sexual harassment (U.S.=135; Canada=109); publicizing the availability of complaint channels (U.S.=147; Canada=126); and providing sexual harassment training (U.S.=154; Canada=124).

In general, respondents felt that sexual harassment occurs with about the same degree of frequency in other organizations (U.S.=57; Canada=46).

Personal Experiences in the Company. This section of the questionnaire (Questions 20 through Question 44) asked respondents if they had personally experienced harassment. It is important to note that all of the behaviors listed in the questionnaire are examples of sexual harassment. The questionnaire also provides some idea of the frequency of the behavior. Although the majority of respondents

report that they never experienced the listed behaviors; it was disturbing to note that some employees experienced behaviors ranging from rape or attempted rape (U.S.=4; Canada=2) to more common forms of harassment such as sexual jokes or teasing (U.S.=34; Canada=51).

Secondly, the respondent was asked if they received any unwanted attention in the last 24 months and what one experience had the most impact on them. They were asked to report the frequency of this one event and the duration of the event. The source of harassment was also asked and the harasser's gender. It appears that the behaviors were of short duration and were committed by either supervisors or other higher officials and/or co-workers. The majority of harassers were male (U.S.=35; Canada=37).

Respondents were asked to describe what action they took as a result of the harassment and the impact that the action had (whether it made the situation better or made the situation worse). A majority of the respondents who took action reported either avoiding the person or ignoring the behavior (U.S.=11; Canada=5) while a few directly asked the person to stop (U.S.=3; Canada=2). Some of these actions resulted either in things getting better or worse. Canadian employees reported that things got worse because of the action they took. Respondents were asked whether they took formal action (whether it was a formal request for an investigation or a filing of a lawsuit). Many respondents (U.S.=43; Canada=44) claimed they did take formal action, but few responded what action they actually took. Only six U.S. respondents and two Canadians reported that they took actions other than the ones listed in the

questionnaire. If no formal action was taken, the respondent was asked to indicate why this was the case. Many responded that they did not think the offense was serious enough (U.S.=27; Canada=34) or other actions had been taken to resolve the situation in a satisfactory way (U.S.=16; Canada=14). Others were fearful that it would make their work environment unpleasant (U.S.=16; Canada=12) or adversely affect their career (U.S.=10; Canada=4).

Researchers have found that victims of sexual harassment may be in need of additional assistance such as medical attention or emotional counseling. In addition, some victims may take sick leave and other types of leave in order to cope with the situation. This may or may not affect the productivity of the individual. Respondents were asked whether they needed any of these and whether their productivity was affected. Nearly all of the respondents reported that they did not take any leave and only a few reported experiencing any loss of productivity (U.S.=5; Canada=6). A further examination of the data revealed that three of the Canadian respondents reported a sustained loss of productivity (lasting 6-8 months).

The questionnaire also asked if the respondent had ever been accused of committing sexual harassment and whether they felt that the complaint was legitimate. Only one U.S. and Canadian respondent reported being accused of sexual harassment and reported that the complaint was unfair and the Canadian reported that the complainant misunderstood his/her motives. The U.S. respondent stated that the accuser (who was a co-worker) was making trouble. It was also asked how did the organization respond to the accusation and it was reported that the organization

responded in some way other than the ways listed in the questionnaire. On the other hand, the Canadian reported being caused by his/her immediate supervisor, co-worker and subordinate of sexual harassment and an unknown source of complaint. It was difficult to interpret the Canadian response. Although only one respondent replied that they had been accused of sexual harassment, there were a number of organizational responses that were marked on the questionnaires. Apparently, the accused stated that the complaints were not received by management, found the charge to be false and was not aware that management did anything. It would seem that someone else may be responding to the question.

Attitudes and Beliefs About Relationships in the Workplace. Whether a particular behavior is considered to be harassing is dependent upon the interpretation of the behavior by the victim. Furthermore, many employees are unclear as to what is sexual harassment and what is, or is not, appropriate in the workplace. The questions in this section (Questions 45-59) attempt to assess whether the respondent agrees or disagrees with the statements. Most of the respondents agree that men and women take their work seriously (U.S.=169; Canada=144). Most respondents agreed that the workplace can be an appropriate place to develop romantic relationships; that employees should not be allowed to dress provocatively on the job; and that some people are too quick to take offense when someone expresses a personal interest in them through looks or remarks. The majority of respondents are either in agreement or are neutral about sexual joking being an inappropriate workplace behavior. However, this item produced a significant. The respondents also expressed strong disagreement

about not being able to compliment someone based on their appearance; that individuals who receive unwanted sexual attention bring it on themselves. There is a greater variability of opinion expressed over the intent of the harasser. Respondents ranged from agreeing to somewhat disagreeing over the statement that "There are certain behaviors that I would consider sexual harassment even if the person doing them did not mean to be offensive"; as well as the statements regarding feeling like one has been sexually harassed if another had been harassed; and that too much attention has been paid to the issue of sexual harassment. It was interesting to note that a significant ($X^2 = 15.45$; $df=5$; $p < .01$) was found for responses to the question "I don't feel comfortable complimenting the appearance of others in the workplace because my comments might be misinterpreted". Similarly, the question "I would consider myself a victim of sexual harassment if I witnessed someone else in the workplace subjected to unwanted sexual attention" produced significant results ($X^2=14.95$, $df=5$; $p<.01$) as well as the question "To what extent do you believe the normal attraction of one person for another in the workplace is misinterpreted as sexual harassment" ($X^2=9.25$; $df=5$; $p<.05$). It also appears that the distribution of responses was significantly different for the question "To what extent do you believe that women used their sexuality to gain some work advantage" ($X^2=11.14$, $df=4$; $p<.05$).

There seems to be some agreement to moderate agreement over the possibility that normal attraction of one person for the other can be misinterpreted. There is strong agreement that sexual harassment is an attempt by one person to gain control over another. There also seems to be some agreement to the statement that women

use their sexuality to gain some work advantage in the work place while fewer respondents felt the same was true for men.

As far as general demographics go, most respondents worked in an environment where there were more men than women or there were an equal number of men and women, but there were significant differences in the overall responses between the countries ($X^2=15.28$; $df=4$; $p<.01$). Most were in non-supervisory roles (U.S.=122; Canada=107); married (U.S.=128; Canada=79); have a secondary education; between 20-54 years of age; worked for a male supervisor; is female; and draws upon a wage rather than an hourly rate. The mean age of the respondent was 38.78 for the U.S.; 35.11 for Canada; worked in a department/division with a mean population of 64.91 in the U.S. and 65.32 in Canada; in a facility with a mean of 444.39 workers in the U.S. and 248.65 in Canada. All respondents reported they were non-union (U.S.=196) in the U.S. A total of 26 Canadians were union members and 154 were not.

Summary. It was encouraging to note that respondents from both countries were in general agreement as to which behaviors constituted sexual harassment. A greater amount of variance was displayed from both countries when the harasser was a co-worker. Perhaps this was due to the number of companies who had sexual harassment policies or due to the training programs implemented by the companies. Although the majority of companies had training programs, there are a significant number who do not and would benefit from such programs. It was interesting to note that the majority of the respondents felt that an effective way of dealing with incidents of sexual harassment was to directly confront the person or to file a complaint with an

agency such as the EEOC or Human Rights. Most respondents also felt that the organization should do everything possible to protect the rights of victims and to engage in practices which prohibit sexual harassment.

Most individuals had not received sexual advances at the workplace, but there were a few who had making it clear that organizations need to do even more. For the Canadian firms, it would seem that individuals who reported claims of sexual harassment experienced consequences in the worsening of their job conditions. If the victim experiences retaliation or some adverse effect, those witnessing such experiences are unlikely to report sexual harassment claims.

Another possibility is that organizations need to emphasize what behaviors may be construed as being sexually harassing since many respondents felt that what they experienced was not serious enough to report. Furthermore, many reported that even if they did tell, they might not be believed or the results wouldn't be kept confidential.

It was also interesting to note that respondents from both countries seem to think that "people are quick to take offense when someone expresses a personal interest in them through looks or remarks" suggesting that perhaps there is still much confusion over the issue of when "personal interest" turns into harassment.

It would seem that there is no appreciable difference between countries on many of the questions contained in the questionnaire. However, the questionnaire may be limiting the types of differences that may be expressed. For example, it would be of great interest to see how the respondents view external complaint channels such as the EEOC in the U.S. and the Canadian Human Rights Council. Some of the results might

be quite different. In addition, the questionnaire instrument is a way of exploring some of the more common elements associated with sexual harassment. Perhaps a more detailed instrument which the theoretical underpinnings of sexual harassment might turn up particular differences found within individuals (Fitzgerald, Hulin & Drasgow; 1994).

Perhaps the biggest drawback of this study is that respondents were asked very basic questions. There have been other studies which have examined how individuals respond to complex scenarios of sexual harassment in the form of scripts (Popovich, Jolton, Mastrangelo, Everton, & Somers, 1995). Sexual harassment is very much a social interaction process and simple "yes" "no" responses contained in this questionnaire does not capture the subtlety of how attributions are made or are influenced. Future work should look at cross-cultural differences in judging such scenarios and how the participants in these scenarios should respond.

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		Summary Data for U.S. Sample - Canadian Studies Grant			
		Sample Size U.S.=204 Canada=170			
		Note: Canadian data is represented in boldface			
Question	Definitely Yes	Probably Yes	Don't Know	Probably Not	Definitely Not
1 Uninvited letters, telephone calls or materials of a sexual nature					
Supervisor	131	53	7	9	
Coworker	105	44	6	7	
2 Uninvited and deliberate touching, leaning over, cornering, or pinching					
Supervisor	159	28	8	7	
Coworker	136	28	2	2	
3 Uninvited sexually suggestive looks or gestures					
Supervisor	138	40	10	10	1
Coworker	123	28	7	6	
4 Uninvited pressure for sexual favors					
Supervisor	102	66	13	16	3
Coworker	88	48	10	16	
5 Uninvited pressure for dates					
Supervisor	80	70	23	23	3
Coworker	75	40	18	19	1
6 Uninvited sexual teasing, jokes, remarks or questions					
Supervisor	189	12			
Coworker	164	8			
7 Has your organization established policies prohibiting sexual harassment?					
Supervisor	171	24	3		1
Coworker	142	18	2	1	
8 To what extent does your organization make efforts to reduce					
Supervisor	136	39	9	16	
Coworker	101	37	12	12	
9 Uninvited sexual touching, pinching, or rubbing					
Supervisor	102	53	19	21	4
Coworker	84	32	22	22	2
10 Uninvited sexual touching, pinching, or rubbing					
Supervisor	84	64	28	23	1
Coworker	69	44	26	21	1
11 Uninvited sexual touching, pinching, or rubbing					
Supervisor	81	68	32	36	2
Coworker	51	50	26	31	8
12 Has your organization established policies prohibiting sexual harassment?					
Supervisor	Yes	No	Don't know or unsure		
Coworker	178	6	13		
	129	2	28		

or prevent sexual harassment		Yes	No	There are no formal complaint channels in my organization
a	To a great extent	61	43	
b	To a moderate extent	83	68	
c	To a little extent	23	18	
d	To no extent	3	2	
e	Don't know or unsure	31	32	
9 If your organization has an official policy prohibiting sexual harassment, to what extent does the policy make a difference in the way people behave towards one another?				
a	To a great extent	43	25	
b	To a moderate extent	95	60	
c	To a little extent	33	33	
d	To no extent	7	3	
e	Don't know or my organization has no official policy on sexual harassment	21	41	
10 Do you know what formal complaint channels for victims of sexual harassment are available in your organization?				
	Yes	149	50	2
	No	116	42	5
11 For whom does your office/organization provide sexual harassment awareness training?				
a	Supervisors and managers	129	66	
b	Nonsupervisory employees	90	68	
c	Nobody	17	18	
d	Don't know or unsure	53	59	
12 Have you attended any sexual harassment awareness training while working for your organization?				
	Yes	83	105	13
	No	57	101	5
13 How long ago did you attend sexual harassment training?				
a	Less than 1 year ago	39	28	
b	1 to 2 years ago	27	18	
c	More than 2 years ago	27	21	
14 If you have attended sexual harassment training, do you feel that any of your attitudes or beliefs have changed as a result of the training?				
a	I have not attended sexual harassment training	13	14	
b	Yes, I am more sensitive	47	43	
c	Yes, I am more skeptical now about issues of sex. harass.	9	2	
d	No, but I became more aware of the feelings of others	20	5	
e	No, the training did not really change my attitudes	8	11	
f	Unsure	6		
15 If your organization provides sexual harassment training, to what extent do you feel that the training helps to reduce or prevent sexual harassment in your organization?				
a	To a great extent	31	14	
b	To a moderate extent	80	61	
c	To a little extent	21	18	
d	To no extent	0	2	

e	Don't know or unsure	30	27
f	My organization doesn't provide sexual harassment training	28	47
16	To what extent do you feel that the public attention given to sexual harassment has made people in your workplace more careful to avoid behavior that others might consider offensive?		
a	To a great extent	55	27
b	To a moderate extent	103	96
c	To a little extent	30	39
d	To no extent	1	4
e	Don't know or unsure	12	6
17	In most cases, which of the following do you think are the most effective actions for the employees to take to make others stop bothering them sexually?		
a	Ignoring the behavior	33	17
b	Avoiding the person	47	23
c	Asking or telling the person to stop	165	141
d	Threatening to tell or telling other workers	38	31
e	Reporting the behavior to the supervisor or other officials	102	133
f	Filing a formal complaint such as a grievance, an EEO (Human Rights) complaint, or other type of formal complaint	103	93
g	There is very little that employees can do to make others stop bothering them sexually	2	3
h	None of the above	1	1
18	What do you think are the most effective actions an organization can take to reduce or prevent sexual harassment?		
a	Establish and publicize policies prohibiting sexual harassment	162	145
b	Publicize the penalties that can be imposed on sexual harassers	135	109
c	Publicize the availability of formal complaint channels	147	126
d	Provide sexual harassment training for all employees	154	124
e	Provide sexual harassment training for managers and supervisors that emphasizes their responsibility to prevent sexual harassment	117	113
f	Provide independent contact(s) outside the organization to whom employees can go with problems or questions relating to sexual harassment	78	93
g	Enforce strong penalties against sexual harassers	127	108
h	Protect victims of sexual harassment from reprisal	123	108
i	Other	5	4
19	If you have worked outside of your organization, would you say that there is more or less sexual harassment in other organizations?		
a	I have never worked for another organization	23	11
b	There is more sexual harassment in other organizations	33	35
c	There is about the same in other organizations	57	46
d	There is less in other organizations	9	4
e	Don't know/can't judge	73	66
20	How often have you received any of the following unwanted and unwarranted sexual attention during the last 24 months from someone where you worked in your organization.		
a	Never	197	3
	Once		1
	2-4 times a month		
	Once a week or more		

a	They found my complaint to be true	1	1	1
b	They found my complaint to be false	1	2	
c	They corrected the situation	1	2	
d	They took action against the person(s) who harassed me	1	2	
e	They were hostile or took action against me		2	
f	They did nothing			
g	The action is still being processed	1		
h	I don't know whether management did anything			
32 What were your reasons for not taking any formal actions?				
a	I did take formal action	2	1	
b	Other action(s) resolved the situation to my satisfaction	18	14	
c	I did not know what actions to take or did not know how to take them	3	4	
d	I did not think it was serious enough	27	34	
e	I did not want to hurt the person who had bothered me	4	7	
f	I was too embarrassed	7	7	
g	I did not think anything would be done	8	4	
h	I thought it would take too much time and effort	2	4	
i	I thought I would be blamed	4	1	
j	I thought it would make my work situation unpleasant	18	12	
k	I thought it would adversely affect my career	10	4	
l	I thought the situation would not be kept confidential	7	7	
m	I did not think I would be believed	2	1	
n	My supervisor was not supportive	4	2	
o	Other	1	1	
33 Did you receive either medical assistance or emotional counseling as a result of the unwanted sexual attention?				
a	Yes, I received medical assistance			
b	Yes, I received emotional counseling			
c	Yes, I received both medical and assistance and emotional counseling			
d	No, but emotional counseling might have been helpful		4	
e	No, but medical assistance might have been helpful			
f	No, but medical assistance and emotional counseling might have been helpful			
g	No, I did not need either medical assistance or emotional counseling	45	42	
34 If you used any sick leave as a result of the unwanted sexual attention, please indicate approximately how much sick leave you used				
a	I used no sick leave as a result of the unwanted sexual attention	41	44	
b	I used 8 hours or less		1	
c	I used between 9 and 16 hours			
d	I used between 17 and 40 hours			
e	I used between 41 and 80 hours			
f	I used more than 80 hours			
35 If you used any paid leave as a result of the unwanted sexual attention, please indicate approximately how much paid leave you used.				
a	I used no paid leave as a result of the unwanted sexual attention	40	45	
b	I used 8 hours or less			
c	I used between 9 and 16 hours	1		
d	I used between 17 and 40 hours			
e	I used between 41 and 80 hours			
f	I used more than 80 hours			

36	If you used any leave without pay as a result of the unwanted sexual attention, please indicate approximately how much leave without pay you used.		42	45
a	I used no leave without pay as a result of the unwanted sexual attention			
b	I used 8 hours or less			
c	I used between 9 and 16 hours			
d	I used between 17 and 40 hours			
e	I used between 41 and 80 hours			
f	I used more than 80 hours			
37	In comparison to your normal job performance, was your productivity (i.e., either how much work you did or how well you did it) affected by the unwanted sexual attention? If so, please indicate the approximate extent your productivity was affected. (In responding to this question do not count time lost due to use of leave.)			
a	My productivity was not reduced	37		39
b	My productivity was slightly reduced (10% or less)	4		5
c	My productivity was noticeably reduced (11-25 percent)	1		1
d	My productivity was markedly reduced (26-50%)			
e	My productivity was dramatically reduced (more than 50%)			
f	Don't know/ Can't judge.	2		3
38	If you said that your productivity was reduced, how long did this reduction continue?			
a	Less than 1 week	3		
b	1 week to 1 month	1		3
c	1 month to 3 months	2		3
d	4 to 6 months			
e	More than 6 months			
f	Don't know/ Can't judge			3
39	Have you ever personally been the victim of sexual harassment on a job in your organization?			
		yes	No	No opinion
		13	144	4
		7	109	4
40	Has anyone within the last 24 months said that you sexually harassed them?			
		yes	No	Don't Know
		1	187	2
		1	154	5
41	Do you believe the complaint was fair?			
		Yes	No	Unsure
42	If you feel the complaint was not fair, why do you feel that way?			
a	There was nothing wrong with what I did			
b	The person who accused me misunderstood my motives			
c	The person who accused me wanted to make trouble	1		1
d	Other			
43	Who accused you of sexual harassment?			
a	My immediate supervisor			
b	Other higher level supervisor(s)			1
c	A subordinate(s)			1

56	To what extent do you believe in the normal attraction of one person for another in the workplace is misinterpreted as sexual harassment?	7	45	43	92	66	9	14	47	38
57	To what extent do you believe that sexual harassment in the workplace is an attempt by one person to exercise power over another?	53	63	47	43	27	13	11	28	19
58	To what extent do you believe that women use their sexuality to gain some work advantage?	8	6	59	34	90	71	16	28	20
59	To what extent do you believe that men use their sexuality to gain some work advantage?	1	1	26	27	97	65	38	33	28
60	Are (were) the people you work(ed) with during a normal work day:									
a	All men	7	3							
b	More men than women	71	62							
c	About equal numbers of men and women	78	40							
d	More women than men	34	47							
e	All women		2							
61	Is (was) your immediate supervisor:									
a	Male	133	107							
b	Female	53	46							
62	How would you describe your job?									
a	Trainee		1							
b	Blue collar/service jobs	7	9							
c	Office/clerical/technician	50	49							
d	Professional/scientific	53	16							
e	Administrative/management	73	68							
f	Other	7	10							
63	Are (were) you a supervisor who gives (gave) performance ratings to other employees?	Yes	No							
		68	122							
		45	107							
64	What is (was) your marital status?									
a	Single	43	52							
b	Divorced or Separated	17	19							
c	Married	128	79							
d	Widowed	1	2							
65	What is the highest levels of education that you completed?									
a	Less than a high school diploma	3	5							
b	High school diploma or GED (General Equivalency Diploma)	9	15							
c	High school diploma plus some technical training or apprenticeship	22	12							
d	Some college	28	23							
e	Graduated from a 2-year college or technical program	24	20							
f	Graduated from a 4-year college or university program	53	43							
g	Some graduate school	13	4							
h	Graduate or professional degree	38	23							
66	What is (was) your age?									

a	16-19				3
b	20-24	8			17
c	25-34	71			57
d	35-44	52			46
e	45-54	48			28
f	55 or older	16			3
67 What is your pay category or classification?					
a	Hourly	61			27
b	Wage	88			103
c	Executive	31			21
d	Other	6			10
68 What is your occupation?					
69 What is your gender?					
		Male	Female		
		88	108		
		52	111		
70 In which industry do you work					
a	Mining				
b	Construction	14			
c	Manufacturing	18			27
d	Transportation	24			
e	Wholesale & Retail trade	49			41
f	Finance, Insurance and Real Estate	1			
g	Services	12			20
h	Government	2			3
i	Agriculture				38
j	Education	1			32
k	Private/Public Utility	18			
l	Other	15			
70b	Are you employed by a Canadian Crown Corporation?	Yes	No		
				15	194
				137	
71	What is your age?	Mean		38.78	35.11
72	How many employees are in your department/division?	Mean		64.91	65.32
73	How many employees are in your facility?	Mean		444.39	248.65
74	Do you belong to a union?	Yes	No		
				26	196
				132	
75	In which country do you work?	USA	Canada		
				192	154
				5	

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