

## Organizational

- lost productivity
- loss of interest in work
- diminished quality of work
- heightened risk of error
  - when the situation is persistent:
    - loss of trust in the employer
    - damage to the organization's reputation
    - increase in absenteeism, and/or in the staff turnover rate
    - increased legal costs, in financial compensation payments
    - increased insurance premiums

## Social

- impact of lost productivity
- increase in social costs related to health and prescription drugs
- etc.

## Recourse

### For unionized employees

- Recourse under the collective agreement:
  - the grievance arbitrator is responsible for application (Section 81.20 Act respecting Labour Standards).
- At all times, mediation at the request of the parties, before the case is taken under advisement by the grievance arbitrator.
- Timeframe: 90 days following the last incidence of harassment. Under certain agreements, the timeframe may exceed 90 days.

### For non-unionized employees

- File a written complaint to the Commission des normes du travail.

### AIAOD (Act respecting industrial accidents and occupational diseases)

- In the event of an employment injury (anxiety-depressive reaction – professional burnout – situational depression – post-traumatic stress, etc.): Request for an income replacement indemnity.

### AOHS (Act respecting occupational health and safety)

- Right of refusal: pursuant to section 12. Refusal regarding risks for one's mental health.

## Tools available at the CSQ

- Recherche sur le harcèlement psychologique au travail, auprès de nos membres (SOARES, Angelo, *Quand le travail devient indécent*, février 2002, D-11145).
- Poster on psychological harassment ("Le harcèlement psychologique au travail: il faut que ça cesse").
- Draft policy to counter violence and harassment in the workplace (A0304-CG – 2003).
- Registre des accidents et incidents violents.
- Videos on psychological harassment (in French):
  - *Pour que cesse le harcèlement psychologique* (Documentary film in French).
  - *Pour comprendre le harcèlement psychologique* (Drama in French).
  - Presentation by Marie-France Hirigoyen on psychological harassment in the workplace (French).
- Training on psychological harassment in the workplace (in French)
  - training modules for province-wide and local sessions (in French).
- Guide to intervention in psychological harassment in the workplace (in French).
- Psychological harassment clinic for unions (in French):
  - complicated cases referred to the CSQ.
- Collective agreement clauses.
- Brochures on psychological harassment in the workplace (in French).
- Guide for interviewing the witness – Guide for interviewing the accused of committing harassment – Guide for interviewing the person filing a complaint (in French)



CSQ

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This brochure is offered to you only as an indication.  
Please do consult the official laws for legal information.



## Psychological Harassment

- Definition
- Rights and Obligations
- Behaviours
- Consequences
- Recourse



CSQ

# Psychological Harassment

## Definition

Psychological harassment means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures that affect an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee.

A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment<sup>1</sup> (Section 81.18).

## Rights and Obligations of Employees

Every employee has a right to a work environment free from psychological harassment<sup>2</sup> (Section 81.19).

### of Employers

Employers must take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it<sup>3</sup> (Section 81.19).

(The fact that the employer is unaware of a harassment situation cannot relieve him of his responsibility.)



<sup>1</sup> Definition stipulated in the Act respecting Labour Standards

<sup>2</sup> According to the Act respecting Labour Standards

<sup>3</sup> According to the Act respecting Labour Standards

## Behaviours that may constitute psychological harassment

### Communication

- Prevent an employee from speaking
- Refuse to consider his or her opinions
- Constantly interrupt an employee
- Prohibit an employee from speaking to others
- Threaten an employee

### Isolation of an employee

- Ignore an employee's presence
- Cease speaking to an employee
- Isolate an employee
- Exclude an employee from a group

### Undermine and abuse an employee

- Spread rumours
- Ridicule an employee
- Humiliate an employee
- Insult an employee
- Sexually harass an employee
- Malign an employee
- Claim an employee has mental health problems
- Force an employee to do humiliating work
- Abuse an employee in the presence of others
- Destabilize an employee: make fun of his or her tastes, political choices, beliefs Make disagreeable insinuations

### Discredit the employee's work

- Deprive an employee of tasks to perform
- Falsely accuse an employee of professional misconduct
- Assign duties to an employee who does not have the resources or the skills to carry them out
- Evaluate an employee's work in a hurtful or unfair manner
- Assign an employee tasks that are beneath his or her skills

**Note:** Since human creativity is limitless, other acts or behaviours may also constitute psychological harassment.

## What psychological harassment does not include

- Normal exercise of management right: without abuse, without discrimination
- Conflicts: conflicts between employees do not constitute harassment, but they must be well managed and resolved.
- Stress experienced at work: harassment is not necessarily involved in the experience of stress in the workplace. However, certain stress factors may promote harassment: overwork, organizational change, favouritism on the part of management, excessive competition, and so forth.
- Difficult working conditions and professional constraints: such conditions, when justifiable and when they affect all staff in a non-arbitrary way do not constitute psychological harassment.

**Attention:** These points do not constitute harassment but in abusive situations they may be factors that trigger harassment.

**Note:** If you believe you are the target of harassment, we recommend that you record incidents of harassment in a diary. Talk about it with your union representative.

## Consequences of psychological harassment

### Human

- deterioration of physical and psychic health (depression, adjustment disorders, high level of psychological distress, post-traumatic stress syndrome)
- professional difficulties including job loss
- financial losses
- family or marital problems
- employment injury, disability and even suicide