

RIGHTS AND OBLIGATIONS

Employees

Every employee has a right to a work environment free from psychological harassment (Section 81.19).

Employers

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

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

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 may be held 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 time frame may exceed 90 days.

For non-unionized employees

File a written complaint to the CNESST (Commission des normes, de l'équité, de la santé et de la sécurité du travail).

Act respecting industrial accidents and occupational diseases

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

Act respecting occupational health and safety

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



**Prevent
and cure**



Centrale des syndicats
du Québec

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**For advice and solutions, consult your union or
lacsq.org/sst**

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PSYCHOLOGICAL HARASSMENT



CSQ

WHAT IS PSYCHOLOGICAL HARASSMENT?

Under an Act respecting Labour Standards, 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 (Section 81.18).

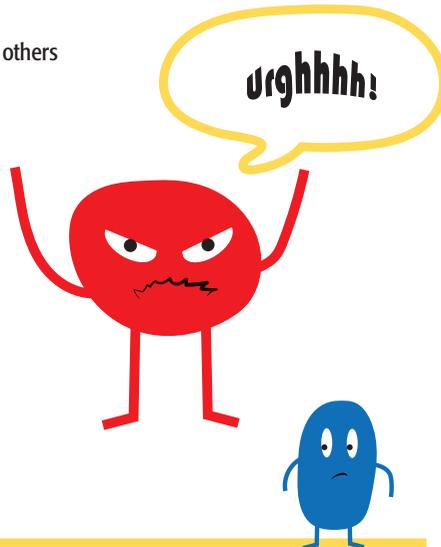
BEHAVIOURS THAT MAY CONSTITUTE PSYCHOLOGICAL HARASSMENT

Communication

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

Isolation of a person

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



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

Undermine and abuse a person

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

Discredit the employee's work

- Deprive an employee of tasks to perform
- Falsely accuse a person 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

WHAT PSYCHOLOGICAL HARASSMENT DOES NOT INCLUDE

- 1 Normal exercise of management right: without abuse, without discrimination.
- 2 Conflicts between persons do not constitute harassment, but they must be well managed and resolved.
- 3 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.
- 4 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.

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 that may lead to job loss
- Financial losses
- Family or marital problems
- Employment injury, disability and even suicide

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.

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.