Sexual Harassment or a Clumsy Compliment?

Disclaimer: This case study was prepared by Dr. Frances Tuer, DeGroote School of Business, solely for the purpose of discussion. While the injury in the case actually took place all details of person(s) and organization(s) have been disguised.

**The Illness/ Incident:**

Louise Smith was driving home after a fun night out with her co-workers. Friday night after work, few of them from work had gone straight to the bar to celebrate a birthday. There had been plenty of food and drinks, and later on, in the night several people, including Louise, had got up to dance to the local band. The night wrapped up around 11 p.m. and everyone headed home, a little worse for wear. On her way home, Louise wondered what she should make of the comment mentioned by the Vice President of her department. During the night he had said to her “Louise, you would be a ten if you had boobs”. When he first said it, she had laughed it off and saw it as a backhanded, clumsy compliment, and was happy to know that she had been noticed at all by someone at his level. But now, she had second thoughts – “that’s really insulting and why would he be looking, let alone saying anything”.

**Who and What:**

Louise had been with the bank for over five years, rising rapidly through the ranks, from an entry-level position opening safe deposit boxes to her current position at the Regional office as an accounting trouble-shooter. In this role, she assisted branches around the Greater Toronto Area to resolve any out-of-balance situations. Sometimes the situations could be resolved within a day, whereas others required her to spend weeks at a branch, going through all of the transactions for the period in question. She had a reputation for a sharp mind and occasionally a sharp tongue. At the time of the incident, she was engaged and planning to get married the following year. She knew that this VP had a reputation for being sexually promiscuous from reports shared by people who had been to conferences with him. He also seemed to put a lot of stock in physical attributes – a few weeks prior he had passed around a photo of his wife in a bikini on a beach in Florida. Making comments regarding the picture of his wife and asking others to agree that she was "hot" in the workplace. Now Louise is not so sure if her initial reaction was appropriate or the right one – was she responsible for condoning this type of behaviour by laughing it off?

**Background on this type of Incident:**

Section 247.1 of the Canada Labour code prohibits sexual harassment and defines sexual harassment as any conduct, comment, gesture, or contact of a sexual nature

1. That is likely to cause offense or humiliation to any employee; or
2. That might, on reasonable grounds, be perceived by the employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

According to the Code, the conduct must be intentional, persistent, and unwelcome or would be known to be unwelcome according to the “reasonable person” test. Negative outcomes of sexual harassment include anxiety, depression, headaches, muscle aches, high blood pressure, and high blood sugar.

According to a 2014 Angus Reid poll, 28% of Canadians report being sexually harassed at work, with 47% of women saying they had experienced incidents of workplace sexual harassment compared to 12% of men. According to this same poll, 25% of respondents found management to be “unresponsive or dismissive”, possibly explaining why almost ¾ of incidents of sexual harassment go unreported. In terms of women’s attire, the poll results showed that there is a discrepancy between men and women when it comes to calling a woman’s outfit “sexy” with older men seeing this a much less of a problem than young women. However, a subsequent Angus Reid survey (2018) showed that younger men, not older men are now more likely to see sexually suggestive comments as acceptable. In this latest poll, 52% of female respondents reported experiencing sexual harassment at work; the increase in reporting may be due to the attention given to the #MeToo movement. In terms of solutions, ninety percent (9/10) women say they have taken steps to avoid sexual harassment with 36% seeing taking on the responsibility of protecting themselves from sexual harassment.

**What to do Next?**

Louise woke up the next morning with the VP’s comment still on her mind and considered her options. One was to do nothing and hope that this situation would not occur again, she would also be avoiding any attention regarding herself in that regard. The second option was to speak with someone else in order to get another perspective. She wondered if Linda Cotton would be open to such a discussion. Linda had been the personnel manager who originally hired Louise on the recommendation of her husband who was the manager at a golf course where Louise had worked one summer. Linda was now one of the Assistant Vice Presidents reporting to the VP in question; maybe she would have some good advice and insight to this situation. The third option that Louise quickly rejected was to speak to the VP herself to tell him how she felt about such comments, but she worried that if she did her career would be over. Louise also worried that if she told her fiancée, he might blame her for the incident and restrict her from going to future social gatherings with her co-workers. She also feared that he would take matters into his own hands and confront the VP, as he had a bad temper and was capable of physical violence. Louise was torn and did not know what direction to take this situation. Should she risk her career and take a stance or just accept the “compliment”?