

**Human Rights Concerns in
Canadian Media Guild
Workplaces**

A Report prepared for the
Canadian Media Guild
by

**The Centre for Research on Work & Society
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EXECUTIVE SUMMARY

Our newsroom is a very good place to work – except for the little things that eventually get to you. And they get bigger. They get bigger and bigger. (member from CBC, Western Canada)

This research was initiated by the Human Rights Committee of the Canadian Media Guild in order to examine the nature and extent of human rights violations occurring within Guild workplaces. In particular, this research focuses on CMG members' perceptions and experiences of discrimination and harassment in the workplace. The research was conducted by York University's Centre for Research on Work and Society (CRWS), an organization independent from both the CMG and the employers of CMG members.

The goals of this project were:

- To provide baseline data about members' needs and concerns in relation to discrimination and harassment;
- To identify areas where there appears to be patterns of systemic discrimination within CMG workplaces;
- To discuss major causes of discrimination and harassment in CMG workplaces;
- To identify areas where education and awareness may be effective sites of intervention;
- To recommend where improvements to collective agreement and contract language are needed;
- To communicate to members that the CMG is concerned about these issues and to consequently generate goodwill towards the union.

The Survey and Respondents

Information about CMG members' perceptions and experiences of harassment and discrimination in the workplace was collected using mail questionnaires and semi-structured interviews. The decision to survey the entire population was motivated by the CMG's desire for the research process to serve as a form of outreach to members and to alert the membership that the union was taking action on these issues.

In total, 1001 completed questionnaires were returned (12.2 percent of returned surveys were completed in French and the remainder were completed in English). The overall return rate was 17.4 percent (1001/5756). The questionnaire asked respondents whether they would be willing to participate in a brief telephone interview with a researcher from York University, and if so, to provide a contact number and first name. In total, 227 of

the 1001 respondents (22.7%) indicated that they would be willing to participate in an interview. In total, 43 semi-structured interviews (8 in French and 35 in English) were completed.

In general, survey respondents and interviewees responded positively to this research project and its focus and goals. Several CMG members expressed that they were pleased that the union was taking an interest in human rights issues, and that they appreciated this broad-based attempt to learn more about members' experiences. Together the survey and interview data provide a rich source of both qualitative and quantitative information about CMG members' perceptions of discrimination and harassment in their working environments.

Among the members who responded to the survey, the designated employment equity groups (women, visible minorities, aboriginals and people with disabilities) were represented in figures roughly corresponding their numbers in the Canadian labour force as a whole. Just over forty-seven percent were women, 12 percent were visible minorities, 2.5 percent were Aboriginal, and 9.9 percent reported a work limiting disability or an ADL limitation, while 2.9 percent reported both types of disability. Women tended to be younger than men, and were more likely to report that they were visible minorities. Younger workers were less likely to report disabilities than older workers. Interestingly, aboriginal/visible minority respondents were slightly more likely to report that they experienced long-term limitations or disabilities, even though they tended to be younger than respondents in general. About 7 percent of survey respondents reported a non-heterosexual orientation and approximately one third of survey respondents reported that they had regular child care responsibilities.

The vast majority of survey respondents were CBC employees (88.7 percent). Among the other CMG branches, CP/BN employees returned the largest number of surveys (7.1 percent), followed by TVO (2.0 percent). Almost 60 percent of respondents were working in 'programming or editorial' positions, while about a third of respondents were working in 'technical or trade' positions. Women and younger workers were slightly more likely to report working in 'programming or editorial' positions, while respondents with long-term disabilities and aboriginal/visible minority respondents were slightly less likely to report working in these positions. Respondents working in 'technical or trade' were more likely to be men and more likely to report having a long-term disability or limitation. Only 13 percent of respondents report working in clerical positions, though this proportion is higher amongst women and aboriginal/visible minority respondents.

The vast majority of respondents were working in full-time permanent positions. Women, younger employees and Aboriginal/visible minority respondents were more likely to report being employed in temporary or part-time positions. In addition, women and aboriginal/visible minority respondents were also likely to have less workplace seniority than respondents overall. Geographically, most of the respondents were situated in Ontario and Quebec, and primarily located in Toronto and Ottawa.

Harassment and Discrimination: Quantitative Findings

Discrimination and harassment seem to be relatively consistent features of CMG workplace environments. For this research, informed by the *Canada Human Rights Act*, discrimination was defined as ‘unfair treatment’ based on group membership or individual attributes not related to job performance. The questionnaire specifically asked about occurrences of unfair treatment based on race/colour, sex/gender, nationality/ethnicity, aboriginal status, age, religious beliefs, marital/family status, sexual orientation, physical disability, psychiatric disability, and union involvement. Approximately three-fifths of survey respondents report observing or experiencing discrimination in their workplace at least once during the past twelve months. More than one quarter of respondents report observing or experiencing some sort of discrimination in their workplace more than twice during the past twelve months. Four out of every five of the survey respondents (83.3 percent) have observed some form of discrimination or harassment in their work environment during the past 12 months. Reports of discrimination and harassment were dispersed across all CMG branches.

The most commonly reported grounds for discrimination in CMG workplaces was age. Age-based discrimination seems to be occurring against both older and younger workers. In addition to age, respondents also noted that discrimination based on sex or gender was prevalent in their workplace. Many members also noted that unfair treatment based on union involvement was prevalent in their workplace. Members of employment equity groups were much more likely to report observing or experiencing discrimination based on their group membership. For example, women are far more likely to report experiencing discrimination based on sex or gender than respondents overall; similar patterns are evident for visible minority respondents and respondents with disabilities. Respondents reporting long-term disabilities or limitations were likely to report observing or experiencing more discrimination, on any grounds, than respondents in general. There were few reports of discrimination based on Aboriginal status and discrimination based on religious beliefs.

Harassment in the workplace was measured by asking respondents about occurrences of comments or behaviours that were personally demeaning, inappropriately sexual or threatening. Two thirds of survey respondents reported observing or experiencing harassing comments or behaviour during the past 12 months, and almost one third of respondents report observing or experiencing these comments or behaviours more than twice. The most commonly reported form of harassment in the workplace was people making demeaning personal comments. It also appears that inappropriate sexual comments are prevalent in some CMG workplaces. Comments and behaviours that are explicitly threatening were reported by a smaller proportion of survey respondents. Women, aboriginal/visible minority respondents and respondents with long-term disabilities/limitations were more likely to report a personal experience of harassment or discrimination than respondents overall. Overall, the results suggest that harassment in CMG workplaces tends to be subtle and systemic, rather than focused around overtly threatening comments or incidents.

The two most common perpetrators of harassment or discrimination in respondents' workplaces were co-workers and supervisors. Among those reporting discrimination from

'others', many people also cited upper management, supervisors or directors as perpetrators of discrimination or harassment. As expected, few respondents reported experiencing discrimination or harassment from people who were working for them.

The relatively high proportion of discrimination and harassment experienced by members of employment equity groups relative to respondents overall provides a stark contrast to the relatively low perceptions of discrimination against these groups. When asked about their workplaces more generally, only about a quarter of respondents indicated that people who are from employment equity groups, or people who are somehow 'different' are disadvantaged in their workplace. However, aboriginal/visible minority respondents and respondents with long-term disabilities and limitations are substantially more likely to report that members of employment equity groups and people who are different are disadvantaged in their workplaces. These perceptions likely reflect the personal experiences of discrimination and harassment experienced by respondents in these groups.

In general, the types of discrimination that are experienced in CMG workplaces may not be focused solely around employment equity groups, but may be more broadly dispersed around factors such as age, union involvement and marital or family status. Harassment in the workplace seems to commonly be manifest as demeaning personal or sexual comments, both of which may be conceptualized as more subtle forms of harassment than comments or behaviours that are directly threatening. Despite respondents' perceptions that that members of employment equity groups are generally not disadvantaged (and some reports that members of these groups are clearly advantaged), it seems that members from employment equity groups are still more likely to report personally experiencing discrimination or harassment.

The Lean Workplace

Downsizing and funding reductions have made working environments for CMG members much "leaner". In this context, many CMG members' work is becoming precarious or more insecure, with many working in contract temporary positions, or employed part-time. This is particularly the case for members employed by CBC where downsizing and job insecurity have contributed to the creation of hostile working environment. Members of the designated employment equity groups often face greater levels of job insecurity and are more often found in insecure and temporary positions than others.

While there are policies and processes to address harassment and discrimination in the workforce, it is apparent that the heavy reliance on contract employees creates a new level of vulnerability for many of the members. There must be a continued effort on the part of the CMG to increase the benefits, security, and protections offered to contract workers. Additionally there must also be an effort to ensure that contract workers, and women workers especially, have greater control over scheduling to provide more certainty and predictability over their working lives. Finally, given the vulnerability the contract labour force faces in terms of harassment and worry over their contract renewals,

the CMG must be proactive in developing policies around ensuring protections for this particular segment of the membership.

One consequence of downsizing is that workers may be demoted, have to take on new tasks, may be more oriented to new production quotas, face insecurity or not have as many opportunities for promotion. With a reduction in the workforce comes a reduction on the opportunity structure for advancement. This increased competition and insecurity faced by the workforce may lead some members to target their hostility or anger toward other workers whom they do not believe deserve the positions they have. Although the goal of equity policies is to ensure representation among underrepresented and minority social groups, these policies themselves may become the target of hostility, leading to the collapse of the opportunity.

The CMG can play positive role in ensuring that the members who are facing insecurity and a lack of opportunities for career advancement are recognized as being in a situation that is a consequence of downsizing and cuts. The negative attitudes and hostility toward affirmative action or social equity policies and the people who are from historically disadvantaged and marginalized groups should be redirected toward the actual source of the reductions in the size of the workforce and opportunities for advancement. The CMG can perhaps communicate with its members the importance of social equity policies in the working environment while at the same time challenging management policies that deny all members opportunities for advancement.

A Culture of Bullying

One issue that emerged through this research was that of “bullying” behaviour. In particular, many newsrooms seem to enable a ‘culture of bullying’. This bullying of members may come from managers or other co-workers, but it is usually characterized by a series of subtle events. Individually, each of these events may not constitute harassment, but together, they work to ostracize and demean targeted employees. Both men and women seem equally capable of bullying others in their workplace. However, as with all bullying, this behaviour seemed to be targeted at the most vulnerable members of the workplace--the newly hired, contract workers, people of colour and women in male-dominated environments.

One step that the CMG may want to consider is to provide a mechanism for employees to record and report these minor instances, in such a way that if the bullying continues, it can form the basis for a harassment charge. It is also important that an organizational culture arise whereby issues and concerns are raised through established channels in the workplace and through the union to so that members are not left on their own to sort through difficult issues that do not fall under formal definitions of harassment.

Constructions of Competence and Incompetence

One of the underlying mechanisms enabling harassment and discrimination in the workplace is members’ perception of the competence or incompetence of fellow

employees and managers. These perceptions are likely motivated, in part, by downsizing and increased competition for fewer career advancement opportunities, where staff reductions have created situations where any evidence of incompetence is likely to significantly increase the workload of and reflect badly on other employees in the unit. Many members have related these constructions of competence and incompetence to larger social-structural characteristics that often form the basis of discrimination within our society.

Favouritism

Many respondents, particularly at the CBC, noted that their supervisor unjustifiably favoured some people over others in their workplace. Across all of the branches, the majority of respondents perceive that projects or assignments are distributed fairly and that their ideas are taken seriously when they propose a project or story idea. Tellingly, these proportions are substantially lower among Aboriginal and visibly minority respondents and respondents with long term limitations or disabilities. The patterns suggest that some CMG workplaces may exhibit patterns of systemic discrimination against Aboriginal, visible minority and disabled employees. Although there is not a substantial difference between women's perceptions of favoritism and perceptions of favoritism overall, comments from members suggest that there is often a gendered dimension to the favoritism that goes on in their workplaces.

Scheduling

One of the ways in which favoritism seems to be manifested most prominently is in the issue of work scheduling. Work schedules seem to have enough flexibility to allow managers or schedulers to give some employees preferential or detrimental schedules without recourse. Many members have noted that employees may easily be rewarded or punished through scheduling, without managers ever having to confront an employee as to the reasons for reward or punishment.

Lean workplaces are structured in such a way that scheduling becomes of utmost importance because there are fewer staff to work with and if someone is missing these tasks may fall on the remaining members. By advocating for schedules that reflect consistent rotational practices, the CMG can help to ensure that all of their members are similarly advantaged and disadvantaged by scheduling practices, thereby disabling them as a tool for enacting favoritism and punishment within the work environment.

Job Training

Several respondents noted that the workplace orientation and training provided by their employers was inadequate, and as a result, stress and strain were introduced into the workplace. Many of these employees who are left without training are recent hires, people of colour, women, or newcomers to Canada. To hire representatives from these diverse groups and then to deny them access to workplace orientation and training is to set them up to fail. There is some evidence that access to training is sometimes used as a

tool to ensure that 'favoured' employees get ahead while others don't, thereby perpetuating perceptions of inequality within the workplace.

Management Practices

Among members who reported personally experiencing discrimination or harassment, almost 60 percent indicated that these acts had been perpetrated by people whom they work for, or by people in supervisory positions. This suggests that many managers are unable to effectively create positive working environments for their employees. In fact, the most critical factors in determining whether harassment and discrimination were able to flourish in the workplace environment were the approach and effectiveness of unit managers. Many members noted that ineffectual management was a factor in allowing seemingly minor workplace problems to escalate to a point where they created a chronically toxic working environment. Members also noted that good management was central to maintaining a positive and supportive working environment.

The Newsroom Environment

Many expectations about a newsroom environment create situations that may lead to harassment or discrimination. One of the common understandings of the newsrooms is that it is supposed to be informed by a certain camaraderie and lightheartedness that works to counteract the stress of the job. In many cases, humour and joking in the newsroom were cited as evidence that members were getting along, that it was 'a good shop'. This lighthearted environment also provides the potential for inappropriate jokes and behaviour to be interpreted as 'all in good fun'. In particular, several women noted that joking behaviour that included gender or sexual content left them feeling uncomfortable.

Taking Action Against Harassment and Discrimination

Below we offer frameworks that can be utilized to address more specific issues that arise in particular contexts.

- Addressing discrimination and harassment through policy and law is an important and essential step in addressing the problems of discrimination and harassment. It recognizes that there is a problem and an organizational commitment to resolving the problem.
- To be effective, policy and law require channels for implementation and a commitment by employers to ensure they are implemented and followed. This involves a commitment from all levels including senior management, human resources, the union and other employees. The effectiveness of the policy breaks down if the victim seeks resolution to a problem and is discouraged from taking action by other co-workers, management or union officials.
- A mixed model of individual and group approaches is a preferred approach to dealing with issues of harassment and discrimination. This can mean addressing the problem on an individual level whereby the situation is addressed with the parties involved and on a group level where workers are assigned group protections from harassment and discrimination with the support of the union. Models that empower the victims of harassment allow for choice of action and offer a number of different formal and informal routes are favourable.
- Managerial practices themselves can manifest power dynamics but this power within the managerial practices needs to be addressed. The CMG can play a positive role in examining the dynamics of its different workplaces and advocating for more employee involvement in the creation of the rules and culture of the different workplaces.
- Harassment, bullying and discrimination can arise through an abuse of organizational power. The CMG should seek to listen to members, be attentive when such abuses occur, and seek to address them.

There seems to be a range of existing practices in terms of dealing with complaints around harassment and discrimination. Some who entered into formal or informal complaint procedures reported a very satisfactory outcome, while others report procedural violations and inadequate outcomes. Overall, the majority of survey respondents agreed that they were satisfied with the way complaints were handled, though this number is lower among members with long-term disabilities or limitations.

Many members feared that they would become the next targets of office bullying if they filed a complaint of harassment or discrimination. This was especially the case in workplaces where members reported that their union reps, who were often older men, were among the office bullies. A particularly disturbing trend noted by some survey

respondents and interviewees, was the tendency to resolve problems related to harassment and discrimination by transferring the accused to another workplace or unit. Some members reported that this happened when complaints about harassment were characterized as personality clashes and the proposed solution was simply to separate the involved employees. Not only does this process trivialize reports of genuine harassment, it may also create a situation where the problem is simply transferred to another environment. The CMG should continue to work with the employer in order to ensure that reports of harassment are not trivialized in this way. Although it may be the best course of action to transfer employees accused of harassment, however, this solution should never be enacted without some sort of concurrent educative action.

Members' views on the current policies and processes for dealing with harassment and discrimination are mixed. A significant proportion of the members are not knowledgeable about policies against discrimination and harassment. Some argue that the policies are adequate but their implementation is flawed because managers are not committed to ensuring the policies are followed. Others argue that the processes for dealing with problems are only activated after a lot of damage has been done. Some complained that the process was too formal and convoluted for them to become involved in it. Importantly, many mentioned that the process was flawed because nothing changes, even after a long drawn-out process.

Current policies and processes may be seen as inadequate for a number of possible reasons. The introduction of policies and processes dealing with discrimination and harassment is often a *reactive* strategy to larger cultural or organizational power dynamics that can be gendered, racialized, heterosexist or ableist. Unless there is a larger commitment to changing the underlying power dynamics giving rise to discrimination and harassment within the organization, a chilly climate for women, younger workers, and other members of equity groups, including "old boys newsroom environment", favouritism, scheduling as a mechanism for distributing rewards or punishments, and management's trivializing of employee's concerns, will continue. It is important that an organizational culture arise whereby issues and concerns are raised through established channels in the workplace and through the union so that members are not left to sort through difficult issues that do not fall under formal definitions of harassment on their own.

Importantly, organizational change has a better chance of succeeding if members are empowered to address the culture and practices of their work environment. Management has a role to play but if the manager is the problem or is resistant to relinquishing the managerial prerogative of making decisions, then such initiatives are likely to be seen as superficial, frustrating or perhaps even more disempowering to employees if management is not actually committed to changing the working environment. The CMG can play a role by actively considering and investigating ways that its members can meaningfully participate in the development of new workplace cultures that challenge bullying, harassing and discriminatory behaviour on a day-to-day basis.

A large part of the problem is also traced to the lack of accountability of managers. People who enjoyed their work referred to the fact that their managers would not tolerate discrimination or harassment and that the managers proactively deal with problems. Conversely, managers who trivialize members' concerns, who are not committed to resolving problematic behaviour, or who are themselves perpetrators of such behaviour can poison the working environment. Accountability of managers was an issue that was raised several times.

The CMG can play positive role in ensuring that the members who are facing insecurity and a lack of opportunities for career advancement are recognized as being in a situation that is a consequence of downsizing and cuts. The negative attitudes and hostility toward affirmative action or social equity policies and the people who are from historically disadvantaged and marginalized groups should be redirected toward the actual reasons for the reductions in workforce size and opportunities for advancement. One way of addressing resistance to affirmative action policies is to increase employee participation in decision-making in the workplace. Such participation could be used to decrease fears of reverse discrimination and increase acceptance of equity goals and objectives. Participation would not be based on abandoning equity goals or carrying out hostilities but rather addressing concerns in a way that is beneficial to all members and does not disadvantage people from historically marginalized groups. The CMG can perhaps play a role in this, finding ways for members to participate, communicating with its members the importance of social equity policies in the working environment while at the same time challenging management policies that are resulting in fewer positions being available for members to advance their career.

An essential component to the success of any action taken by the CMG in support of individual or group rights or protections is that it communicate to its members the action that is being taken and the result of that action. If no action is being taken this should also be communicated back to the member. Communicating the final result and involving members in the process will assist in alleviating any concerns by members that they complained and "nothing happened".

It has become clear through this research that measuring the success of anti-discrimination and social equity policies is more than just counting the number of people in the social equity groups in the various positions. It is important to focus on how the people are treated when they are brought into the organization. Continued monitoring of the people who occupy positions within the various workplaces to ensure that the different equity groups are being adequately represented is essential. It is also important to ensure that equity goals are not met simply by hiring people into lower level or temporary employment positions. Developing a workplace culture and practice that is inclusive of women, visible-minority groups, people with disabilities and people of same sex orientation means more than just bringing them into the workplace. It means changing the culture of the workplace so that the power dynamics within do not marginalize them once they are there.