



**Palvelualojen
ammattiliitto**
Servicefacket

TACKLING HARASSMENT IN THE COMMERCIAL SECTOR



1. INTRODUCTION

In recent years employees in the commercial sector have increasingly been exposed to harassment. Surveys conducted by the Finnish Commerce Federation and Service Union United PAM in 2017 and 2020 indicate that in particular harassment from customers has increased. Harassment also includes sexual harassment, which according to a survey by the Confederation of Finnish Industries EK (Taloustutkimus, 2018) was experienced at work by 12% of women and 2% men in 2018.

Harassment in working life has a negative effect both on the individual and the whole work community: harassment spoils the work atmosphere, can damage the health of the individual concerned and can lead to decreased efficiency at work and periods of sick leave. The whole work community needs to tackle sexual, gender-based and other harassment, because everyone is responsible for their behaviour and can do their bit to influence attitudes and the atmosphere at the workplace.

On 14 February 2020, the Finnish Commerce Federation and Service Union United PAM agreed as part of the collective agreement negotiations to make this addition to the co-operation agreement on occupational safety and health in the commercial sector collective agreement:

2.12 Occupational safety and health and harassment

When an employer draws up an occupational safety and health action plan in accordance with the Occupational Safety and Health Act, (s)he must also observe procedures in the event of harassment or sexual harassment. As well as covering the internal functioning of the work community, these procedures must include guidelines for dealing with harassment from customers.

At the same time the organisations agreed to draw up joint sample guidelines to help companies to draw up their own procedures for workplaces in the event of harassment or sexual harassment. These guidelines provide procedures for employers and employees facing sexual, gender-based or other harassment. The guidelines are designed especially for smaller companies, but provide a basis for all companies in the commercial sector.

2. DEFINITION – WHAT IS INAPPROPRIATE TREATMENT OR HARASSMENT TYPICALLY LIKE IN THE COMMERCIAL SECTOR

Harassment means systematic and continual negative activity or behaviour. In some cases, an individual action on its own can constitute harassment. At the workplace the employer in person or their representative can harass an employee. An employee can harass another employee or their supervisor or treat them improperly. A customer or other person outside the work community can also treat an employee improperly.

Harassment is for example

- repeated threats, intimidation
- mean or suggestive messages
- disparaging or insulting language
- undermining reputation or position
- sexual harassment
- continual, unjustified criticism of or interfering with working
- isolation from the work community

Example of harassment

Maija works in a grocery store as a sales assistant. About a month ago Maija and another sales assistant, Satu, had an argument about stacking canned goods on the shelves. Shortly after this dispute, Maija observed that Satu's behaviour towards her began to get more negative. They had previously got on well together and even spent time together in their breaks. After a while Satu also started to accuse Maija of being slow and treating customers badly and indifferently. This also happened in front of other employees and even customers. In the presence of others, Satu also called Maija slow, brainless and lazy and laughed at her. These allegations sounded strange to other members of the work community, since Maija was generally considered a pleasant, hard-working employee who invariably got on well with the customers.

Sexual harassment means unwanted verbal, non-verbal or physical behaviour of a sexual nature that intentionally or effectively insults an individual's mental or physical integrity, especially by creating a threatening, hostile, degrading, humiliating or oppressive atmosphere.

Sexual harassment can arise for example in the form of

- suggestive gestures or expressions
- explicit language,
- obscene jokes
- remarks about someone's body, clothing or private life

Physical sexual molestation is punishable under the Criminal Code.

Example of sexual harassment

Saija works as a sales assistant in a café. Saija's colleague is Rauno, who is prone to comment on Saija's work clothes and appearance. For example, when they have their morning coffee Rauno always rates Saija's appearance that day. Rauno occasionally also suggests that Saija's work clothes are too dull and encourages Saija to dress more boldly. In other ways too Rauno continually uses humour with sexual overtones disguised as ordinary work-related language, well aware that he is the only one who finds his jokes funny.

Gender-based harassment means unwanted behaviour related to an individual's gender that is not of a sexual nature and intentionally or effectively insults the individual's mental or physical integrity and creates a threatening, hostile, degrading, humiliating or oppressive atmosphere.

Gender-based harassment can be for example

- degrading and negative language about the other gender
- contempt of the other gender
- gender-based workplace bullying
- negative remarks about sexual orientation

Harassment based on sexuality or gender can also originate from customers or others outside the work community but connected to the workplace. Harassment can occur face-to-face, by telephone or via electronic communications channels.

Example of gender-based harassment

Raija works in a warehouse and is often in the same shift as another employee, Pasi. Pasi is usually a very pleasant colleague, but occasionally Pasi takes to commenting on the efficiency of Raija's work. Sometimes Pasi says in a sarcastic tone that women's geometric awareness is by nature inferior to men's, so that their work is not just slower but also of lower quality. Pasi always says he's only joking, but later Raija realises that Pasi is telling the same joke to everyone of the opposite gender in the warehouse.

Harassment by customers can be intentionally offensive or unintentional. It is very typical that a customer is in a bad mood or upset by something unrelated to the service being given and this affects their behaviour towards the customer service agent.

Sometimes bad behaviour is triggered by dissatisfaction with the service. A special offer item may be out of stock, or the customer has an unrealistic expectation of the service on offer and is disappointed. Sales assistants have also come across situations where their personal attributes are commented on or criticised outright. Such comments could be related for example to appearance, language ability or ethnicity. Sexually explicit comments in particular are put in a humorous way, but they are not funny.

Example of harassment by customers

A customer comes to the checkout in a retail store and notices that, based on appearance, the sales assistant's ethnic background is not native Finnish. The customer refuses to be served by this individual, demanding "proper service" from a Finn. The customer calls the sales assistant names in a very insulting way.

3. OCCUPATIONAL SAFETY AND HEALTH RESPONSIBILITIES

If an employee at a workplace is subjected to harassment or other improper treatment that is harmful or dangerous to their health, the employer, upon being informed of it, is required to take the available steps to remove the abuse. The employer must endeavour to clarify the course of events and take consistent action and decisions in respect of their employees. It is also possible that the harassment is being caused by a customer, so that the employer is not always in a position to tackle it effectively. Even then efforts should be made to resolve matters, for example by dealing with the cases in the work community and providing instructions and guidance to employees for such situations.

Correspondingly, employees must desist from harassment or other improper treatment towards other employees at the workplace that poses a risk or danger to their safety or health. Employees should, based on their own experience, professionalism and their employer's guidance, ensure their own and other employees' safety and health by all available means. Under the Occupational Safety and Health Act, employees must comply with appropriate instructions and guidelines issued by their employer.

4. DRAWING UP GUIDELINES ON HARASSMENT AT THE WORKPLACE

Procedures for harassment or sexual harassment at the workplace

It is recommended that workplaces put in place procedures so that employees who experience harassment know how to report their experiences. The existence of procedures and going through these in the work community also signals to employees that this matter is taken seriously and encourages them to report situations at an early stage. It is easiest to act on situations quickly, so as to prevent unnecessary escalation of experiences of injustice and the resulting consequences for employees' health.

Typical procedures for dealing with harassment in the work community include the following steps

If you feel that your colleague or supervisor has behaved towards you in a harassing manner (abusively, improperly etc.)

- Immediately report your experience to the abuser
- Ask for similar behaviour not to be repeated
- If the harassment continues, tell your supervisor or their supervisor. If the person concerned is the most senior supervisor, state clearly that you find this behaviour harassment.
- Having reported the perceived harassment to your supervisor, the matter has to be sorted out (it is recommended to put a time limit in the procedures)
- The employer/supervisor must endeavour, using the available means, to find out what has happened (discussion, hearing witnesses etc.)
- If harassment (or other abusive behaviour) is found to have taken place, the supervisor must forbid it from happening again/continuing. If the supervisor themselves is felt to be the harasser, any misunderstandings must be sorted out and the behaviour remedied so that it is not felt to be abusive
- Even if harassment as such is not established, behaviour that unnecessarily causes unpleasant experiences should be prevented

Centre for Occupational Safety: instructions and guides on the subject

TTK: Harassment and inappropriate treatment

TTK: Preventing and dealing with inappropriate treatment and harassment at the workplace

TTK: Good behaviour permitted

TTK: Sexual and gender-related harassment at the workplace

Procedures for dealing with disorderly customers

Employees should also expect not to be subjected to harassment or sexual harassment from customer contacts. The saying 'the customer is always right' is actually misleading, but the customer is nonetheless the customer and should be treated with respect. However, situations do occur in customer service work where the customer themselves doesn't behave appropriately. Precautions should be taken for these situations by training employees for them.

An example of a procedure that has been found to work is to warn the customer that bad behaviour can lead to service being terminated. This should be done very polite but firm way.

Why it is important to deal with harassment by customers at the work community level

It is extremely important that customer service agents know that they have the right to prevent unreasonable behaviour towards them without getting negative feedback from their supervisor. Due to their differing life experiences and personalities, people typically have differing ideas about what is unreasonable behaviour. Discussing these things among the work community, with experiences and examples, helps all employees to grasp what is the generally acceptable limit.

How should harassment by customers be dealt with in advance

It would be optimal for the work community to gather together to discuss this at an appropriate opportunity. This could be weekly or monthly meetings, various training sessions or structured coffee room discussions. The essential thing would be that everyone somehow gets to participate in building a common vision.

Employees could be asked for examples of situations that they thought were harassment or go through the examples in this guide and jointly think about what are the clear boundaries where customer behaviour goes beyond the borderline of harassment.

For example

- customer raises voice
- name-calling by customer
- customer hurls/throws goods

After that you could jointly decide on a set of phrases to launch the “customer warning procedure”, i.e. requesting the customer to correct their behaviour. It is recommended to practise these in advance so that they come to mind even in unexpected situations. It is also recommended to practise saying the phrases in a calm, polite but assertive voice.

Example:

“I’m sorry, but your behaviour is insulting. Please behave properly so that I can continue to serve you.”

“You are continuing to behave insultingly, so I will now have to stop serving you and I ask you to come back when you have calmed down/can behave properly”

In addition to this, practical guidelines are needed for what to do if for example a customer interaction is interrupted or has to be cut off (customer marches out) or becomes threatening.

After a harassment situation – how to deal with it, is follow-up always needed

The joint guidance should always direct employees to report situations, including those where they came close to reacting, but in the end the agreed procedure was not used. This helps to produce a clearer joint understanding of when behaviour goes beyond the limit.

Supervisors should ensure that the employee can overcome an unpleasant situation. Sometimes an employee can react calmly at first, but later on says that the matter still bothers them. Talking the matter through in the work community often helps, but sometimes professional help is also needed if the shock was severe.

Repeat training in the work community

Going through the guidelines should be part of normal job orientation. In addition, discussion of the agreed procedures among the work community should be repeated often enough so that they are not forgotten.