

But we were just having a little fun ...

Have you heard those words? Have you been criticized for not having a sense of humour? Or for having a sense of humour that goes too far? Where do we draw the line in today's workplace? That is a question that arises when lawyers and staff talk about their frustrations with "political correctness." Can't we joke anymore?

Jokes and humour in the workplace serve a valuable purpose. Morale and a sense of camaraderie are important in building relationships. Humour can be a tremendous help to overcome "awkward" moments. But can it go too far?

The answer is yes. Consider this lawyer's account:

One afternoon some of the lawyers in my office came back from an important client-lawyer lunch with accounts of some sexist behaviour, as well as the recounting of homophobic jokes, that had occurred at the lunch. The lawyers who had attended the lunch did not, in general, appear to take exception to this behaviour. Instead, they recounted the event as entertaining and amusing.

As the only lawyer working in the practice group who had not been invited to the lunch, my first feelings were of relief at not having been subjected to the sexist and homophobic behaviour. However, on reflection, I was concerned at having been excluded from a lunch with clients and having missed an opportunity to develop relationships with them. I also felt demoralized and somewhat isolated by my perception that, in general, none of the lawyers in my firm had a problem with the sexist and homophobic behaviour. However, I hesitated to say anything to those lawyers who had attended the lunch, out of concern that I would be perceived as a troublemaker and would be further isolated from future events involving clients, or be less likely to be included in the work of the practice group.

Was this lawyer excluded because she might be uncomfortable, embarrassed or annoyed by the humour? Was she in fact "overly sensitive"? Or were the lawyers who shared in the fun demonstrating their lack of awareness that "norms" are being rewritten by society, human rights law and professional conduct expectations?

Clients look to lawyers for guidance and leadership. The rules of professional conduct state that lawyers should not engage in discriminatory behaviour. Clients may encourage unethical conduct, but, as professionals, we are expected to draw the line. The same applies to the telling of sexist or homophobic jokes.



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How do we know where to draw the line? One way is to consider the impact of a joke before sharing it. Consider the impact from the listener's perspective. We can't be mind-readers, but we can be aware of the potential harmful impact on others.

Where is the harm in an innocent joke? Personal, professional and client relationships can be damaged by well-intended, but hurtful, demeaning or degrading remarks. Here are some factors to consider before sharing jokes:

- A reasonable person may be offended by a joke that is based on gender or sexual orientation (or any other ground under the *Human Rights Code*).
- The *Code* does not differentiate among the protected grounds; making fun of a person's sex is as inappropriate as making fun of a person's race.
- Peer pressure can cause a person to remain silent or "go along with" a joke that is offensive. Clients can react this way just as easily as staff or colleagues.
- Authority and power don't stop at the office door. Our ability to have an impact on the success or self-esteem of others extends beyond the office and includes work-related activities such as client lunches. The onus is on each of us, and particularly on those of us in positions of authority, to take into consideration the unspoken feelings of others.

Let's go back to the female lawyer's account. Where was the harm? The harm was in the indirect message that was delivered — "people like you are the object of ridicule." The impact on teamwork, respect, loyalty and productivity becomes clearer in this light.

Before sharing a joke, consider the impact, the effect of peer pressure and your "power." If the impact on the listener or someone who inadvertently hears the joke may be negative, take an extra minute to reframe the joke so that it is funny, but not at someone else's expense. Your colleagues and your clients may silently thank and respect you for the extra effort. Then everyone can have a little fun. □