

WHAT TO DO IF YOU ARE SEXUALLY HARASSED

Prepared by: Canadian Resource Centre for Victims of Crime
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What is sexual harassment?

Sexual harassment is any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any employee; or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

Some [examples](#) of sexual harassment are:

- asking for sex in exchange for a benefit or a favour
- repeatedly asking for dates, and not taking “no” for an answer
- demanding hugs
- making unnecessary physical contact, including unwanted touching
- using rude or insulting language or making comments toward girls and women (or boys and men)
- calling people sex-specific derogatory names
- making sex-related comments about a person’s physical characteristics or actions
- saying or doing something because you think a person does not conform to sex-role stereotypes
- posting or sharing pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including online)
- making sexual jokes
- bragging about sexual prowess
- bullying based on sex or gender
- spreading sexual rumours or gossip (including online).

Prevalence

According to data from Employment and Social Development Canada on harassment and sexual violence in the workplace, nearly one-third of women in Canada have experienced some form of sexual harassment at work.



Nearly **1 in 3** women have experienced some form of sexual harassment in the workplace.

What can you do?

1. **Talk to the harasser, make sure they know their behavior is unwanted.**
2. **Complain to the employer. It is their responsibility to end harassment once they’re aware of it.**

Under the Canada Labour Code, federally regulated employers have responsibilities to make every reasonable effort to make sure that no employee is exposed to sexual harassment in the workplace.

Provinces and territories also have guidelines about how employers should deal with sexual harassment in the workplace. In Ontario, employers should have sexual harassment policies in place, but it is not required. On the other hand, in provinces like Alberta, British Columbia and Saskatchewan there is occupational health and safety legislation. This legislation demands that employers have a violence prevention program in place. In Quebec there is legislation on workplace psychological harassment. Other provinces are not legally obliged to address this problem through workplace policies, but they still have obligations to prevent or deal with these issues.

3. If the complaint is not dealt with properly, or the case is very serious, you can make a formal complaint.

- Each province and territory has a process to file a formal complaint:
 - Alberta: Alberta Human Rights Commission ([more info](#)) ([info sheet on sexual harassment](#))
 - British Columbia: B.C Human Rights Tribunal ([more info](#)) (for assistance or help with your complaint, [click here](#))
 - Manitoba: Manitoba Human Rights Commission ([more info](#))
 - New Brunswick: New Brunswick Human Rights Commission ([more info](#))
 - Newfoundland and Labrador: Newfoundland and Labrador Human Rights Commission ([more info](#))
 - Northwest Territories: NWT Human Rights Commission ([more info](#))
 - Nova Scotia: Nova Scotia Human Rights Commission ([more info](#))
 - Nunavut: Nunavut Human Rights Tribunal ([more info](#))
 - Ontario: Ontario Human Rights Tribunal ([more info](#)) (for assistance or help with your complaint, [click here](#))
 - Prince Edward Island: Prince Edward Island Human Rights Commission ([more info](#))
 - Quebec: Labour Standards, Pay Equity, Workplace Health and Safety Board ([more info](#))
 - Saskatchewan: Saskatchewan Human Rights Commission ([more info](#)) (for assistance or help with your complaint, [click here](#))
 - Yukon: Yukon Human Rights Commission ([more info](#))
- Complaints related to federal government departments and agencies, and other federally regulated employers: Canadian Human Rights Commission ([more info](#))
- There does not need to be a recurring pattern of behaviour or a series of incidents in order to make out a successful claim. Majority of the human rights complaints now concern only a single incident of unwanted behaviour.
- Remedies the Human Rights Commissions might consider:
 - an apology from the harasser
 - the employer instituting a sexual harassment policy
 - providing anti-sexual harassment education sessions
 - paying a small amount of money for emotional harm
 - re-instating victims who resigned as a result of the harassment

4. If you suffer financial and emotional loss, you may choose to sue the harasser and/or the employer as well.

The legal issue surrounding sexual harassment lawsuits is complicated and you should consult with a lawyer specialized in labour law for assistance.

5. Can someone be charged criminally for sexual harassment? Sexual harassment is criminal in nature when the harassment involves attempted or actual physical assault, including sexual assault, or threats of an assault.

This also includes situations of stalking, otherwise known as “criminal harassment”. If you are forced into any sexual act against your will or you are touched in a sexual way without your consent, the harasser may be guilty of sexual assault.

If this situation happened to you, you can report it to the police who will investigate the matter further.

Getting Help – Legal Information Clinics & Legal Aid

As stated in the [Budget of 2018](#), the federal government wants to increase access to legal information and support for Canadian workers who experience sexual harassment in their workplace, and support outreach and awareness-raising on this issue. Other key measures in this budget are providing legal aid funding to support victims of workplace sexual harassment and protecting federally regulated employees from harassment and violence in the workplace.

There are many legal clinics or legal information centres you can contact to obtain legal information, educational resources or legal referrals.

Alberta	Central Alberta Community Legal Clinic (Red Deer)
	Centre for Public Legal Education Alberta
	Pro Bono Law Alberta
	Women's Centre Legal Advice Clinic (Calgary)
British Columbia	Community Legal Assistance Society (Vancouver)
	Rise Women’s Legal Centre (Vancouver)
Manitoba	Community Legal Education Association (Winnipeg)
	Government of Manitoba
New Brunswick	Public Legal Education and Information Service of New Brunswick (Fredericton)
Newfoundland and Labrador	Public Legal Information Association of Newfoundland and Labrador (St. John’s)
Northwest Territories	Law Society of the Northwest Territories (Yellowknife)
Nova Scotia	Legal Info Nova Scotia (Halifax)
	Nova Scotia Legal Aid (all offices across province linked here)
Nunavut	Legal Services Board of Nunavut (Cambridge Bay, Rankin Inlet, Iqaluit)

Ontario	Community Legal Education Ontario (Toronto)
	Human Rights Legal Support Centre (Toronto)
	Legal Aid Ontario
	Ontario's Women Justice Network (Toronto)
	Ottawa Legal Information Centre (Ottawa)
Prince Edward Island	Community Legal Information Association of Prince Edward Island (Charlottetown)
Quebec	Éducaloi (Montreal)
	Legal Information Clinic (Montreal)
	Young Women's Christian Association Montreal Legal Information Clinic (Montreal)
Saskatchewan	Centre Info-Justice Saskatchewan (Regina)
Yukon	Law Society of Yukon
	Yukon Public Legal Education Association (Whitehorse)
Canada	Legal Line
	Women's Legal Education and Action Fund

Labour Laws

[Canada Labour Code](#) is the federal labour law and oversees labour and employment matters in those industries that are inter-provincial and international. However, most Canadian labour laws are covered by the provinces.

Alberta	Alberta Labour Relations Code
	Alberta Labour Relations Board
British Columbia	British Columbia Labour Relations Code
	British Columbia Labour Relations Board
Manitoba	Manitoba Labour Relations Act
	Manitoba Labour Board
New Brunswick	New Brunswick Industrial Relations Act
	New Brunswick Labour and Employment Board
Newfoundland and Labrador	Newfoundland and Labrador Labour Relations Act
	Newfoundland and Labrador Labour Relations Board
Northwest Territories	Northwest Territories Employment Standards Act
	Northwest Territories Employment Standards Office

Nova Scotia	Nova Scotia Labour Relations Act
	Nova Scotia Labour Relations Board
Nunavut	Nunavut Labour Standards Act
	Nunavut Labour Standards Board
Ontario	Ontario Labour Relations Act
	Ontario Labour Relations Board
Prince Edward Island	Prince Edward Island Labour Act
	Prince Edward Island Labour Relations Board
Quebec	Quebec Labour Code
	Quebec Labour Relations Board
Saskatchewan	Saskatchewan Trade Union Act
	Saskatchewan Labour Relations Board
Yukon	Yukon Employment Standards Act
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