



Canadian
Resource Centre for
**VICTIMS
OF CRIME**

— Dedicated to Justice —

WHAT TO DO IF YOU ARE SEXUALLY HARASSED

PREPARED BY THE CANADIAN RESOURCE CENTRE FOR VICTIMS OF CRIME

This paper is intended as a general guide for people who may become susceptible to crime or for victims that are already involved in the criminal justice system. Please do not hesitate to contact our office if you require clarification, or for a referral to an agency in your community that may be able to provide services to you.

(Revised August 2022)

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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 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 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 one in three women have experienced some form of sexual harassment in the workplace.

What Can You Do?

1. Talk to the harasser, and make sure they know their behaviour 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 the responsibility 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 to make out a successful claim. The 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 specializing in labour law for assistance.

- 5. Can someone be charged criminally for sexual harassment? Sexual harassment is criminal 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 sexually 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	<u>Central Alberta Community Legal Clinic</u> (Red Deer)
	<u>Centre for Public Legal Education Alberta</u>
	<u>Pro Bono Law Alberta</u>
British Columbia	<u>Women's Centre Of Calgary</u>
	<u>Community Legal Assistance Society</u> (Vancouver)
Manitoba	<u>Rise Women's Legal Centre</u> (Vancouver)
	<u>Community Legal Education Association</u> (Winnipeg)
New Brunswick	<u>Government of Manitoba</u>
	<u>Public Legal Education and Information Service of New Brunswick</u> (Fredericton)
Newfoundland and Labrador	<u>Public Legal Information Association of Newfoundland and Labrador</u> (St. John's)
	<u>Law Society of the Northwest Territories</u> (Yellowknife)
Nova Scotia	<u>Legal Info Nova Scotia</u> (Halifax)
	<u>Nova Scotia Legal Aid</u> (all offices across the province are linked here)
Nunavut	<u>Legal Services Board of Nunavut</u> (Cambridge Bay, Rankin Inlet, Iqaluit)
	<u>Community Legal Education Ontario</u> (Toronto)
Ontario	<u>Human Rights Legal Support Centre</u> (Toronto)
	<u>Legal Aid Ontario</u>

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

If the harassment you experience escalates to sexual violence and you live in either [Ontario](#), [Alberta](#), [Nova Scotia](#), or [Saskatchewan](#) you may be eligible for free independent legal advice. Eligibility typically consists of being over the age of 16, having experienced sexual assault, and experiencing such victimization within the province of the program you are applying for.

Click the links associated with each of the provinces or contact [the Canadian Resource Centre for Victims of Crime](#) for more information and/or help to apply.

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	<u>Ontario Labour Relations Act</u>
	<u>Ontario Labour Relations Board</u>
Prince Edward Island	<u>Prince Edward Island Labour Act</u>
	<u>Prince Edward Island Labour Relations Board</u>
Quebec	<u>Quebec Labour Code</u>
	<u>Quebec Labour Relations Board</u>
Saskatchewan	<u>Saskatchewan Trade Union Act</u>
	<u>Saskatchewan Labour Relations Board</u>
Yukon	<u>Yukon Employment Standards Act</u>
	<u>Yukon Employment Standards Board</u>

References

- Ansari, S. (February 26, 2018). Sexually Harassed At Work? Here's How To File A Formal Complaint. Châtelaine. Information retrieved from: <http://www.chatelaine.com/living/sexual-harassment-resource-guide-canada/>
- Canadian Labour Relations. (No date). Canadian Labour Laws: Both Federal and Provincial Laws. Information retrieved from: <http://www.canadianlabourrelations.com/canadian-labour-laws.html>
- Federal Public Sector Labour Relations and Employment Board. (No date). Labour Relations Boards across Canada. Information retrieved from: http://pslreb-crtefp.gc.ca/labour_relations_board_e.asp
- Government of Canada. (January 4, 2016). Sexual Harassment. Information was retrieved from: <https://www.canada.ca/en/employment-social-development/services/labour-standards/reports/sexualharassment.html#s01>
- Legal Line.ca. (No date). What to do if you are sexually harassed. Information was retrieved from: <http://www.legalline.ca/legal-answers/what-to-do-if-you-are-sexually-harassed/>
- Lublin, D. (November 30, 2017). What counts as workplace sexual harassment in Canada? The Globe and Mail. Information retrieved from: <https://www.theglobeandmail.com/report-on-business/careers/leadership-lab/whatcounts-as-workplace-sexual-harassment-in-canada/article37137194/>
- McKay-Panos, L. (November 1, 2012). Sexual Harassment is a Continuing Issue in Canada. Information retrieved from: <http://www.lawnow.org/sexual-harassment-is-a-continuing-issue-in-canada/>
- Morneau, W. F. (February 27, 2018). Budget 2018: Chapter 5 –Equality. Information was retrieved from: <https://www.budget.gc.ca/2018/docs/plan/chap-05-en.html>
- Ontario Human Rights Commission. (No date). Policy on preventing sexual and gender-based harassment: Ways to address sexual harassment. Information retrieved from: <http://www.ohrc.on.ca/en/policy-preventing-sexual-andgender-based-harassment/6-ways-address-sexual-harassment>
- Ontario Human Rights Commission. (No date). Sexual Harassment in Education (brochure). Information was retrieved from: <http://www.ohrc.on.ca/en/sexual-harassment-education-brochure>
- Yosowich, M. (No date). Employer responsibilities dealing with sexual harassment complaints. Information retrieved from: <http://employment.findlaw.ca/article/employer-responsibilities-dealing-with-sexual-harassmentcomplaints/>