

SEXUAL HARASSMENT AT WORK

December 2014

You have a right to be free of sexual harassment at work. Sexual harassment is upsetting and unwelcome comments or actions because of your sex, sexual orientation or gender. No one in your workplace may engage in sexual harassment. This includes your employer, supervisor, co-workers and customers. Freedom from sexual harassment is protected under Ontario's *Human Rights Code*.

Examples of sexual harassment:

- repeatedly asking for dates, not taking "no" for an answer
- asking for sex in exchange for a benefit or making lewd comments
- making unnecessary physical contact
- calling people sex-specific derogatory names
- making an employee dress in a sexualized way

Anyone can experience sexual harassment. Women tend to experience sexual harassment more often because of lower-paying jobs with less authority. However, all genders may be the target or perpetrators of sexual harassment.

Usually sexual harassment requires more than one incident to show a pattern of behaviour. However, sometimes just one incident is offensive enough to be considered sexual harassment.

Your employer is under a legal obligation to prevent and respond properly to sexual harassment. They must make sure everyone in the workplace understands and respects the protection of the *Human Rights Code*. The *Occupational Health and Safety Act* requires a policy regarding workplace harassment and a plan to implement the policy. The Ministry of Labour Health and Safety may be able to assist you if you have concerns about your employer's policy, or lack of policy. The Ministry can be contacted at 1-877-202-0008. Your employer should not ignore sexual harassment, even if you have not formally complained or made a human rights complaint.

I think I am being sexually harassed. What should I do?

- 1) *Document:* Write down what happened, when it happened, how many times it happened, etc. Be thorough! Keep records of the harassment, such as emails and text messages.

- 1) *Tell your employer:* Tell your employer, human rights department, supervisor, or union about the harassment to try to resolve the problem through internal policies and processes. Even if you take this step, you still have the right to file a human rights complaint or to proceed in other ways.
- 2) *Go to the Police:* Sexual harassment can also be a criminal offence. It is a crime if the harassment involves attempted or actual physical assault or threats of an assault. Stalking is also a crime. Where sexual harassment includes any of these things, you can contact your local police service.
- 3) *Make a Human Rights Complaint:* You will need to file this within one year of the last incident of sexual harassment. For help with a complaint contact the Community Advocacy & Legal Centre or the Human Rights Legal Support Centre.

Kingston Community Legal Clinic:

www.kclc.ca
613-541-07777

Human Rights Legal Support Centre:

www.hrlsc.on.ca/en/contact-hrlsc/you-contact-us;
1-866-625-5179
TTY: 1-866 612-8627

This column, written by staff or volunteer lawyers with the Community Advocacy & Legal Centre (CALC), provides general legal information only about current laws. If you need legal advice you should contact a lawyer. If you are living on a low income you may be eligible for free legal help. Contact your local community legal clinic if you need help with income programs, workers' or tenants' rights, consumer problems, or human rights. Call Kingston Community Legal Clinic at 613-541-0777 or visit www.kclc.ca. If you have a criminal, family or immigration law problem, contact Legal Aid Ontario at 1-800-668-8258 or visit www.legalaid.on.ca.