



The [#TimesUp](#) and [#MeToo](#) movements have shone a spotlight on the prevalence of sexual harassment at work. Workplace sexual harassment is a widespread and harmful experience.

Workplace sexual harassment disproportionately impacts women. Racialized women, 2SLGBTQ+ people, women with disabilities, and low income women experience workplace sexual harassment at higher rates.

Sexual harassment in the workplace is against the law.

Workplace sexual harassment can be a traumatic experience for the worker, their co-workers and their workplace.

Sexual harassment is a form of gendered violence, and it is an expression of power and control. If you have experienced sexual harassment, you may feel powerless, hurt, uncomfortable, unsafe, or confused.

## **What is sexual harassment?**

Sexual harassment is a broad term that includes **verbal**, **visual** or **physical** behaviours that are unwanted, offensive, sexual and degrading in nature.

Some examples:



- unwelcome comments about someone's body or their sexuality
- sexual propositions
- sexist jokes and language
- demanding dates or sexual favours
- demeaning and sexually explicit bragging (often called "locker room talk")
- intrusive questions about someone's gender identity or body parts
- using sexist or homophobic language, or any other behaviour that targets someone's gender identity or sexuality



- displaying sexual images (such as pornography) where others can see
- sending someone unwanted sexual images, text messages, or emails



- unnecessary physical contact, including unwanted touching
- invading personal space
- sexually suggestive gestures
- sexual assault

## **Who experiences sexual harassment?**

Most victims of sexual harassment are women. Most perpetrators of sexual harassment are men. However, sexual harassment can and does impact people of all genders, including women, men, non-binary, genderqueer, and other gender diverse people.

43% of Canadian women and 12% of Canadian men say they have experienced workplace sexual harassment (Angus Reid Survey). But sexual harassment is underreported, so the number of instances of workplace sexual harassment are likely much higher.

## Why does sexual harassment happen?

Since sexual harassment is about power, it is often directed toward workers in vulnerable positions and marginalised workers. Women and 2SLGBTQ+ people are more likely to be the objects of sexual harassment. But anyone can experience sexual harassment.

All workers have the right to a workplace where they feel both emotionally and physically safe.

## Why do so many workers choose not to report sexual harassment?

Many victims of workplace sexual harassment choose not to report their concerns to management. There are many reasons for this underreporting.

Some workers are worried that reporting sexual harassment could affect their career, their income, their work relationships, and how they are regarded by their coworkers.

Workers might not report because they are afraid, or feel shame or guilt. That is why it is important to get legal advice about your rights and the actions that you could take if you are a worker that has been subjected to sexual harassment.

The truth is that sexual harassment is never acceptable in any work environment.

It does not matter if you work in an environment where harassment has become normalized, such as bars and restaurants. It does not matter if the harassment comes from a co-worker or a customer. **Everyone has the right to a workplace free from harassment.**

## What does the law say about workplace sexual harassment?

Workplace sexual harassment is against the law in Ontario and is considered a form of discrimination.

Your employer has a [legal obligation](#) to provide a workplace environment that is free of sexual harassment. This means it is your employer's responsibility to take meaningful steps to prevent and to address sexual harassment when they become aware of it.

Sexual harassment in the workplace is defined in Ontario as:

Engaging in a course of vexatious comment or conduct against a worker, in a workplace because of sex, sexual orientation, gender identity or gender expression where the course of comment or conduct is known or ought reasonable known to be unwelcome.

OR

Making a sexual solicitation or advance where the person making it is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know the solicitation or advance is unwelcome

## **What should I do if I see or experience sexual harassment in the workplace?**

Everyone has the right to a workplace that feels safe and is free of sexual comments and behaviours. It is the employer's responsibility to provide this safe environment. If you see sexual harassment in your workplace, say something.



If you see sexual harassment in your workplace

# **SAY SOMETHING!**

Everyone has the right to a workplace free from sexual harassment

## **Here are some steps you can take if you've experienced sexual harassment in the workplace:**

- Seek legal advice to understand your rights and options.
- Where possible, tell the person harassing you that the behaviour is unwelcome and you want it to stop.
- Speak to your employer about the harassment.
- Speak to your union representative (if you have one).
- Follow your employer's anti-harassment policy, and request a written report of their investigation.
- Document your experience and create a paper trail. Make notes about:
  - what happened
  - when it happened
  - where it happened
  - who was involved
  - if you have received sexual messages or images, save them

## **What responsibility does my employer have to prevent or respond to sexual harassment?**

All employers are legally required to provide a safe and harassment-free work environment.

Employers can be held responsible for any harm caused by their workers, whether the victims of that harm are fellow workers, customers, or members of the public.

The *Occupational Health and Safety Act* provides that all workplaces must have a sexual harassment policy and must conduct an investigation when the employer becomes aware of a sexual harassment complaint. If your employer refuses to conduct an investigation, the Ministry of Labour can order that an investigation take place.

## **Where can I get legal help?**

All workers in Hastings, Prince Edward and Lennox Addington counties can [contact](#) the Community Advocacy & Legal Centre (CALC) for free and confidential legal advice. We can help. We will explain your legal options and help you decide on the best course of action.

Visit <https://shapeyourworkplace.ca> or call the [SHAPE hotline](#) to speak to a lawyer or paralegal for free and confidential legal advice at: **1-833-677-5146**.

If you live outside our service area, you can get help from [your local community legal clinic](#) or call the [Human Rights Legal Right Support Centre](#) at 1-866-625-5179 or via TTY at 1-866 612-8627.

## **Where can I learn more about sexual harassment at work?**

CALC offers free in-person and virtual workshops to help employees and employers understand their rights and responsibilities. We can customize a workshop for your organization. To arrange for a workshop, fill out our [Request a Speaker form](#) or call us at 1-877-966-8686.

Some of this information was taken from [Legal Information Nova Scotia](#).



This brochure was created by the [Community Advocacy & Legal Centre](#) (CALC).

CALC is a non-profit community legal clinic that helps people living on a low income in Hastings, Prince Edward, and Lennox & Addington counties and Tyendinaga Mohawk Territory with their legal problems from our main office in Belleville, Ontario. We also have many satellite offices throughout our three-county service area.



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