

What Is Sexual Harassment?

Sexual harassment is any unwanted comment or conduct of a sexual nature in the workplace. It includes discrimination based on sex, sexual orientation, gender identity or gender.

Some examples of sexual harassment are:

- Unwanted touching (hugs, stroking your hair)
- Making sex-related comments about your appearance or actions
- Derogatory names
- Homophobic or transphobic comments or jokes
- Sending/sharing pornography or sexual images
- Making or sharing sexual jokes
- Spreading sexual rumours
- Demanding dates or sexual favours

What Should I Do If I Am Being Sexually Harassed At Work?

You should make notes on what is happening including:

- When and where the incident happened
- Who did the harassing
- Whether anyone saw or heard what happened
- How you responded
- If you told your employer, who you spoke to and how they responded

Should I Report Sexual Harassment To My Employer?

Yes, you have you right to work in a safe and respectful environment free from sexual harassment. Your employer has a legal duty to take steps to prevent and respond to sexual harassment at work. The *Occupational Health and Safety Act* requires employers to have procedures for workers to report incidents of harassment. You should use these internal procedures. If you are part of a union, you should contact them for help.

Legal Remedies/Options:

Depending on your circumstances, there may be different options available to you including:

- You can make a complaint at the Ministry of Labour. The Ministry can send an investigator to your workplace to determine whether your employer is following the law.

- You can file a complaint to the Human Rights Tribunal of Ontario. The Tribunal can order the person who sexually harassed you or your employer to pay compensation and order your employer to get human rights training or make other orders to prevent harassment in the future.
- Alternatively, if you work in a federally-regulated workplace (such as a bank, tele-communications or the railway) then you can file a claim with Canadian Human Rights Commission.
- You can sue your employer in court if you can prove that the harassment made it unbearable for you to continue working for your employer and/or that there was a poisoned work environment.
- You can file a Workplace Safety and Insurance Board (WSIB) claim if you suffered physical or psychological injuries (including mental stress) from the harassment that prevent you from working.
- You can call the police if you have been a victim of assault, sexual assault, or criminal harassment/stalking. Contact a sexual assault centre for support.

It is recommended that you obtain legal advice on which option is right for you. This is important because there are different time limits and remedies, and pursuing one of the options above may impact your ability to pursue other options.

For more information:

- Contact CALC by phone, via our webform (<https://bit.ly/calc-help>), or in person
Visit our website: <http://communitylegalcentre.ca/legal-info/sexual-harassment-at-work/>
- Visit: shapeyourworkplace.ca or call SHAPE to speak to a lawyer or paralegal for free and confidential legal advice at: 1-833-677-5146
- Visit the Ontario Human Rights Commission website:
www.ohrc.on.ca/en/sexual-harassment-employment-fact-sheet
- Call the Human Rights Legal Support Centre at 1-866-625-5179
- Visit Steps to Justice: [What can I do if I am being harassed at work?](https://stepstojustice.ca/questions/employment-and-work/what-can-i-do-if-i-am-being-harassed-work)
(<https://stepstojustice.ca/questions/employment-and-work/what-can-i-do-if-i-am-being-harassed-work>)

IMPORTANT: THIS TIP SHEET IS FOR INFORMATION PURPOSES ONLY AND IS NOT LEGAL ADVICE.