

**Sexual harassment in the workplace is against the law.
This pamphlet contains information about rights and
responsibilities in the workplace.**

Workplace sexual harassment makes work unsafe



**What you need to know
What you can do**

Workplace sexual harassment is costly

Workplace sexual harassment can undermine a worker's sense of dignity and can prevent workers from earning a living, doing their job effectively, or reaching their full potential. Workplace sexual harassment can cause physical and psychological injury to workers.

Workplace sexual harassment can poison a work environment for everyone, can lower workplace productivity and hurt an employer's bottom line.



Employers operating in Ontario have a **legal duty** to have a policy to address workplace sexual harassment and to ensure that all employees are aware of the policy. An effective policy to address workplace sexual harassment can limit harm, reduce liability, and makes good business sense. The community legal clinics listed towards the back of this brochure can provide employers with referrals and resources about their responsibilities under the law, and provide training for their employees.

Everyone in the workplace has a role to play in making workplaces safe and free from harassment of any kind, including sexual harassment.

What is sexual harassment?

Sexual harassment in the workplace is defined in Ontario as either:

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 reasonably to be 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.

Sexual harassment is any unwanted or unwelcome behaviour that is sexual in nature, and that can include:

- ✗ asking questions, talking, or writing about sexual activities;
- ✗ rough or vulgar humour or language related to sexuality, sexual orientation or gender;
- ✗ unnecessary physical contact, including inappropriate touching;
- ✗ spreading sexual rumours (including on-line);



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- ✗ leering or inappropriate staring;
- ✗ invading personal space;
- ✗ demanding hugs, dates, or sexual favours;
- ✗ displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form;
- ✗ making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes;
- ✗ verbally abusing, threatening or taunting someone based on gender or sexual orientation; or,
- ✗ threatening to penalize or otherwise punish a worker if they refuse a sexual advance.

Where the conduct or behaviour includes inappropriate sexual touching, this may also constitute a **criminal offence** such as sexual assault.

In the workplace, sexual harassment could be perpetrated on workers by the employer, supervisors, co-workers or clients/customers.

Dealing with it alone can be hard

Although workplace sexual harassment is common, many workers who experience sexual harassment in the course of work don't make a complaint. There are a number of reasons why someone might not report, such as fear, shame, and guilt.

“ I was 19 years old and working in a restaurant. One of the owners would always corner me in the kitchen and pressure me to go on a 'date.' It was the middle of a recession and I needed the money for tuition, so I had no choice but to put up with it. I hated every single day. I wish there had been someone to help me.”

“ I told my manager that a client had groped me. Instead of taking my concerns seriously, she commented on my clothing. I did nothing more as I was concerned about being seen as 'over-sensitive' or a 'complainer.' I worried that if I caused problems, I would lose my job.”

“ “[After] I had disclosed I was bi/pansexual, a male colleague came up to me and said 'I must have had some great threesomes then!' He said my male partner must be lucky. And laughed. It wasn't funny. It felt gross. I felt unsafe...”

That is why it is important to get **legal advice** and information about your rights and responsibilities and the actions that you could take if you are a worker that has been subjected to sexual harassment in the course of your work.

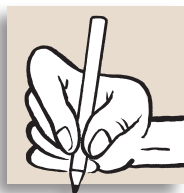
Are you an employee? Have you experienced sexual harassment in the course of your work?

The law prohibits workplace sexual harassment. You have the right to a work environment that is free of workplace sexual harassment.

If you are a worker who has experienced sexual harassment in the course of your work, we can help. The community legal clinics listed towards the back of this brochure can provide confidential, free legal advice, legal information and assistance to workers experiencing sexual harassment at work.

What should you do?

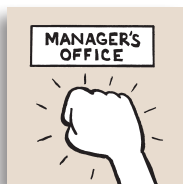
If you have experienced sexual harassment in the course of your work, you should:



Write down what happened, when and where it happened, what was said or done, and who said or did it, who saw what happened, and what you did at that time. Include the names of anyone you spoke with (whether in management or not), when you spoke with them, and what action if any, was taken to resolve the problem.



Where possible, you can make it clear to the person harassing you that their behaviour is unwelcome and that you want it to stop. If you have concerns about your safety, contact the police.



Inform your employer, if you are able. Employers in Ontario have a legal duty to take steps to prevent and respond to sexual harassment.



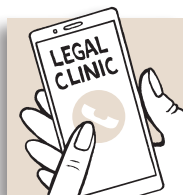
Try to resolve the problem through the policies or resolution mechanisms your organization has in place.



Take the complaint to your union, if you are unionized.



Participate in any investigations and request a written report of the outcome.



Get legal advice about your rights and remedies. Community legal clinics can help.

What legal remedies are available to you?

There are a number of legal options that could be chosen if you have been sexually harassed in the course of your work:

- 1 File an Occupational Health and Safety complaint.
- 2 File a Human Rights Complaint.
- 3 Bring a civil suit (sue).
- 4 File a Workplace Safety and Insurance claim if a physical or mental injury has resulted from the harassment.

Note: Not all workplaces are covered by WSIB. If you don't know or are unsure if your workplace is covered by WSIB, file the claim in any event.

- 5 Contact the police who may lay a criminal charge, for example, if you have been assaulted or if the repeated conduct has caused you to fear for your safety.
- 6 Use the remedies in your collective agreement, if you are a unionized employee.
- 7 Contact the Ministry of Labour, who can order an investigation.

**Before taking any action,
you should get legal
advice on your rights.**



See next page

Contact a legal clinic for free and confidential legal advice

If you are a worker who has been sexually harassed in the course of your work, please contact the community legal clinic closest to you for free and confidential legal advice about your legal rights and remedies:



Central and Eastern Ontario:

Centre des services communautaires Vanier – Clinique juridique francophone d'Ottawa

Ottawa, Ontario (613) 744-2892, ext. 1111 (Service in French only)

Serving: **Ottawa**

Community Advocacy & Legal Centre

Belleville, Ontario 1-877-966-8686; TTY- 1-877-966-8714

Serving: **Hastings, Prince Edward, Lennox and Addington Counties & the Tyendinega Mohawk Territory**

Community Legal Clinic – Simcoe, Haliburton, Kawartha Lakes

Orillia, Ontario 1-800-461-8953, ext.0

Serving: **Simcoe County, Beausoleil First Nation, Chippewas of Rama First Nation, Haliburton County and the City of Kawartha Lakes**

Durham Community Legal Clinic

Oshawa, Ontario (905) 728-7321

Serving: **The Regional Municipality of Durham**

Northumberland Community Legal Centre

Cobourg, Ontario 905-373-4464; 1-800-850-7882

Serving: **Northumberland County and Alderville First Nation**

Peterborough Community Legal Centre

Peterborough, Ontario (705) 749-9355

Serving: **Peterborough City and County, Curve Lake First Nation and Hiawatha First Nation**

Renfrew County Legal Clinic

Renfrew, Ontario (613) 432-8146; 1-800-267-5871

Serving: Renfrew County

The Legal Clinic

Perth, Ontario (613) 264-8888

Sharbot Lake, Ontario (613) 279-3252

Brockville, Ontario (613) 264-8888

Serving: Lanark, Leeds & Grenville, North Lennox and Addington and North Frontenac Counties

Northern Ontario:

Algoma Community Legal Clinic

Sault Ste. Marie, Ontario 705-942-4900; 1-800-616-1109

Serving: Sault Ste. Marie and the District of Algoma

Keewaytinok Native Legal Services

Moosonee, Ontario (705) 336-2981

Moose Factory, Ontario (705) 658-4010

Serving: Moosonee, Moose Factory, Attawapiskat, Kashechewan, Fort Albany, MoCreebec Eeyoud, Peawanuck and Taykwa Tagamou

Kinna-aweya Legal Clinic

Thunder Bay, Ontario 1-888-373-3309

Geraldton, Ontario (807) 854-1278

Marathon, Ontario (807) 229-2290

Serving: The District of Thunder Bay including First Nation communities in the District

Sudbury Community Legal Clinic

Sudbury, Ontario (705) 674-3200; 1-800-697-8719

Serving: The District of Sudbury

Southwestern Ontario:

Chatham-Kent Legal Clinic

Chatham, Ontario (519) 351-6771

Serving: The Municipality of Chatham-Kent

Community Legal Assistance Sarnia

Sarnia, Ontario (519) 332-8055

Serving: Sarnia-Lambton County, Aamjiwnaang, Bkejwanong (Walpole Island), and Kettle & Stony Point First Nations

Community Legal Clinic Brant Haldimand Norfolk

Brantford, Ontario 519 752 8669; 1-888-341-5021

Serving: Brant, Haldimand and Norfolk Counties and Six Nations and the Mississaugas of the Credit

Elgin-Oxford Legal Clinic

St. Thomas, Ontario (519) 633-2638; 1-866-611-2311

Serving: Elgin County, Oxford County, Oneida of the Thames First Nation, Chippewa of the Thames First Nation, and Munsee-Delaware First Nation

Grey Bruce Community Legal Clinic

Owen Sound, Ontario (519) 370-2200

Serving: Grey County, Bruce County, Saugeen First Nations and Neyaashiinigmiing

Huron Perth Community Legal Clinic

Stratford, Ontario 1-866-867-1027

Goderich, Ontario 1-866-867-1027

Serving: Huron and Perth Counties

Legal Assistance of Windsor

Windsor, Ontario (519) 256-7831

Intake Worker cell (519) 560-7549 (call or text)

Serving: Windsor and Essex County

Niagara Community Legal Clinic

St. Catherine's, Ontario (905) 682-6635

Welland, Ontario (905) 682-6635

Serving: The Region of Niagara

Waterloo Region Community Legal Services

Kitchener, Ontario (519) 743-0254

Serving: the Regional Municipality of Waterloo

Toronto and surrounding area:

If you are a worker in Toronto and the surrounding area or elsewhere in the province, you can get free legal advice about sexual harassment in the workplace by calling the Human Rights Legal Support Centre at 1-866-625-5179.

Are you a community group, worker or employer interested in learning about rights and responsibilities under the law? We can help! Contact any of the legal clinics listed for availability of public legal education sessions on sexual harassment in the workplace.

**Everyone in the
workplace has a role
to play in making
workplaces safe and free
from harassment of any
kind, including sexual
harassment.**

Ontario Community Legal Clinics Coordinated Advice
Project on SHIW

June, 2020

For more information, contact:

Northumberland Community Legal Centre,
301-1005 Elgin Street West, Cobourg, Ontario K9A 5J4
1-800-850-7882

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of Canada

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