

**Example:** A supervising police sergeant makes sexual advances towards a younger female constable. When she does not return the interest, he over-scrutinizes her work, accuses her of incompetence, and addresses her as “Mrs.” instead of “Police Constable” or “PC” in front of colleagues.

Harassment can take the form of bullying, in schools and in many other settings.

**Example:** To hurt a rival, a girl starts a rumour that another girl is sexually promiscuous and performs sex acts on boys behind the school.

**Example:** A disgruntled employee spreads rumours about his female director, stating that she is having an affair with the company president and that she is only successful because she “slept her way to the top.”

## What you can do

If you or someone you know is being harassed, you can ask the person to stop and you can ask someone in authority to take steps to stop it from happening.

Employers, housing providers and educators and others who provide services in Ontario have a legal duty to take steps to prevent and respond to sexual harassment and they must make sure that human rights are respected, even if no one has raised human rights issues.

Employers, housing providers, educators and others can protect human rights and prevent claims by:

- ▶ putting procedures in place to deal with discrimination and harassment
- ▶ responding quickly to human rights issues as they come up and taking complaints seriously
- ▶ making resources available to deal with the issue/complaint
- ▶ telling the person who complained the actions taken to deal with the issue.

If the harassment continues or is not being dealt with appropriately, you can file a human rights claim at the Human Rights Tribunal of Ontario.

If you feel the harassing behaviour is getting worse, or that your safety is threatened, you can contact the police.

INTERSECTING GROUNDS **bo** **DISCRIMINATION** **violence** **ABUSE OF** **EDUCATION** **poisoned environment** **poisonou** **POWER** **gender based** **BULLYING** **Sexism** **sexual harassment** **employment**

## For more information:

To find out more about what you can do to prevent and address sexual and gender-based harassment, see the Ontario Human Rights Commission's *Policy on preventing sexual and gender-based harassment* at [www.ohrc.on.ca](http://www.ohrc.on.ca)

For more information on the human rights system in Ontario, visit:

[www.ontario.ca/humanrights](http://www.ontario.ca/humanrights)

To file a human rights claim (called an application), contact the Human Rights Tribunal of Ontario at: Toll Free: 1-866-598-0322

TTY: 416-326-2027 or Toll Free: 1-866-607-1240

Website: [www.hrto.ca](http://www.hrto.ca)

To talk about your rights or if you need legal help with a human rights application, contact the Human Rights Legal Support Centre at: Toll Free: 1-866-625-5179

TTY: 416-314-6651 or Toll Free: 1-866-612-8627

Website: [www.hrlsc.on.ca](http://www.hrlsc.on.ca)

For human rights policies, guidelines and other information, visit the Ontario Human Rights Commission at [www.ohrc.on.ca](http://www.ohrc.on.ca)

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# Sexual and gender-based harassment: know your rights

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Ontario  
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Commission ontarienne des  
droits de la personne

# Sexual and gender-based harassment: know your rights

Sexual and gender-based harassment are kinds of discrimination. They can hurt a person's dignity, make them feel unsafe and stop them from reaching their full potential. Sexually harassing or bullying someone because of their sex, gender or sexual orientation is not acceptable. It is against the law.

Often, a person in authority is doing the harassment, but it may also come from peers, co-workers, etc. Women are more vulnerable to it because they often hold lower-paying, lower-status jobs and are more likely to be sole providers to children. Even people in authority can be victims of sexual harassment.

## What is sexual harassment?

Under the Ontario *Human Rights Code*, sexual harassment is “engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome.” In some cases, one incident can be serious enough to be sexual harassment. Sexual harassment can include:

- ▶ asking for sex in exchange for something, like offering to improve a test score, offering a raise or promotion at work, or withholding something like needed repairs to your apartment
- ▶ asking for dates and not taking “no” for an answer
- ▶ demanding hugs

- ▶ making unnecessary physical contact, including unwanted touching
- ▶ using rude or insulting language or making comments that stereotype girls, women, boys or men
- ▶ calling people unkind names that relate to their sex or gender
- ▶ making comments about a person's physical appearance (for example, whether or not they are attractive)
- ▶ saying or doing something because you think a person does not fit sex-role stereotypes
- ▶ posting or sharing pornography, sexual pictures, cartoons, graffiti or other sexual images (including online)
- ▶ making sexual jokes
- ▶ bragging about sexual ability
- ▶ bullying based on sex or gender
- ▶ spreading sexual rumours or gossip (including online).

Sexual harassment does not have to be sexual. It can also mean that someone is bothering you because they think that you don't act, look or dress in the way that a man (or boy) or woman (or girl) should.

People may also harass you because you are LGBT (lesbian, gay, bisexual, transgender).

## Know your rights

The Ontario Human Rights Code says every person has the right to be free from discrimination based on sex – and this includes sexual harassment. The Code applies to five “social” areas:

- ▶ services, goods and facilities (including education)
- ▶ housing
- ▶ contracts
- ▶ employment
- ▶ membership in vocational associations such as trade unions.

Sometimes when a person speaks up about sexual harassment they can experience “reprisal” or punishment. The Code prohibits reprisal, which includes such things as being hostile to someone, excessive scrutiny (for example, at work), excluding someone socially or other negative behaviour because someone has rejected a sexual advance or other proposition (such as a request for a date).

**Example:** A tribunal found that a landlord engaged in sexual harassment, sexual solicitation and reprisal when he evicted a young single mother for rejecting his sexual advances.

You do not have to object to the harassment when it happens for there to be a violation, or for you to claim your rights under the Code. You may be in a vulnerable situation and afraid

to speak out. Some people might go along with the harassment because they worry about what will happen if they object. But in these cases, it is still sexual harassment and it is still against the law.

**Example:** A property manager and property management company were found liable for the sexual harassment of a young female tenant due to the manager's inappropriate behaviour toward her. As well as making unwanted sexual comments, he tried to impose a friendly relationship on her, and his “open door” policy included leaving his door open into a common hallway while he was having sex.

Sexual harassment can also be more subtle:

**Example:** A tribunal said that an employer sexually harassed an employee when he repeatedly talked about her physical appearance, saying things like “Oh, don't you look pretty today; you shouldn't wear that dress, it doesn't do much for you; Those nylons don't go with that skirt...”

Sexual advances or comments can come from people in authority:

**Example:** The Ontario College of Teachers withdrew a 29-year-old teacher's license because he sexually harassed a female student through e-mail. The teacher used a false name and sent messages to the student that included information about what she had been wearing that day, what route she took to school, and sexual suggestions.