

Respect at Work LEGAL CLINIC

**Everyone should feel welcome,
safe, and respected at work.**

If you are new to Canada and have experienced sexual harassment at work or know someone who has, we can help.

You are not alone.

Respect at Work



604-404-1931



respectatwork@mwcbc.ca

Respect at Work
LEGAL CLINIC



Canada



Department of Justice
Canada

Ministère de la Justice
Canada

What is sexual harassment?

Sexual harassment is any unwanted and unwelcome behaviour of a sexual nature. It can take place in-person or online, including at work, at school, at home, in a public place, or by phone, text, or social media.

It can happen between and affect people of all gender identities and sexual orientations. However, women are more likely to experience sexual harassment than men.

Sexual harassment is not only about sex or sexual desire. It is about power and a desire for power over another person or people that can make those being harassed feel humiliated and degraded.

**If you are
experiencing
sexual harassment,
remember:
It is never your fault.**



What is workplace sexual harassment?

Everyone has the right to be free from sexual harassment at work. Unfortunately, workplace sexual harassment is more common than you might think.

According to the law in BC, workplace sexual harassment means behaviour that is:

- 1. sexual or gender-based in nature;**
- 2. unwelcome; and**
- 3. negatively affects the work environment or leads to negative job-related consequences.**

When someone is sexually harassed at work, they can feel low in confidence or worthless. Their emotional, psychological and physical health can be impacted.

Workplace sexual harassment can create a harmful work environment where employees may feel uncomfortable, intimidated, threatened or afraid. It can stop someone from doing their job well. *This is known as a poisoned work environment.*

People experience sexual harassment at work in different ways and at different times. It can happen in the workplace during work hours, but it can also happen outside the workplace or after work hours during activities or events that are linked to work. For example, sexual harassment can happen in a virtual meeting when working remotely, at work parties, by text, or on social media. It can happen between co-workers or between an employee and a person in a position of authority (e.g. a manager). It can also happen to or between volunteers.

For behaviour to be considered sexual harassment, the intention of the person harassing you does not matter.

What can sexual harassment at work look like?

There are many forms of sexual harassment – physical, verbal and non-verbal.



Physical

Physical forms of sexual harassment can include unnecessary physical contact such as: hugging or touching, or invading personal space. Some forms of physical sexual harassment are criminal offences, such as sexual assault.



Verbal

Verbal sexual harassment can involve sexual jokes or spreading rumours of a sexual nature. It can look like comments or questions about someone's appearance, gender identity or expression, or sexual orientation, repeated asks to go on a date after you have refused, or a request for sexual contact by a supervisor in exchange for an employment benefit such as a promotion. Some forms of verbal sexual harassment are criminal offences, such as making threats.



Non-verbal

Non-verbal sexual harassment can include showing pornography or sexual images at work, inappropriate staring, or sexually-suggestive whistling or gestures. Some forms of non-verbal sexual harassment are criminal offenses, such as stalking.

Sexual harassment at work normally involves repeated unwanted or unwelcome behaviours. However, sometimes a single incident, if it is serious enough, can create a poisoned work environment.

The law in BC says that sexual harassment is a type of discrimination based on sex. Discrimination is the unfair treatment of people based on their personal characteristics or social identities. This includes: sex, sexual orientation, gender identity or expression, race, colour, ancestry, place of origin, Indigenous identity, religion, marital status, family status, age, or physical or mental disability.

People can often experience workplace sexual harassment together with other forms of discrimination. For example, a woman who is new to Canada and who identifies as part of a racially-marginalized group might face sexual harassment based on both her sex and her race.

Women with marginalized social identities are more likely to experience sexual harassment at work.

Everyone has the right to equitable treatment at work, without discrimination or harassment.

If you are experiencing this, you are not alone.

If you are unsure about whether you have experienced workplace sexual harassment, you can contact **Respect at Work Legal Clinic**.



If I have experienced workplace sexual harassment, what steps can I take?

If you are experiencing workplace sexual harassment, remember:
it is never your fault.



If you feel safe, ask the person harassing you to stop.

This is not necessary. It is common to not speak out because you may have fears about your safety and the impact on your job.



Ask someone (you trust and who is able) to take steps to stop the workplace sexual harassment.

Depending on the policies and procedures at your workplace, you may be able to make an internal report or speak to a supervisor or Human Resource officer. If you belong to a union, you can talk to your union representative.



Keep a detailed record of the harassment and any other negative treatment and response from your employer.

- As soon as possible, write down:
 - what happened
 - what was said or done
 - who was present
 - where you were
 - date and time when it occurred.
- It is helpful to do so in a text message to yourself or email, as it will date and time-stamp your notes.
- If the harassment takes place in writing, for example, in the chat box of a virtual meeting or on social media, take a photo/screenshot and save somewhere confidential.





Get FREE legal advice at the Respect at Work Legal Clinic to learn about your rights. Together, we can help you find support and understand your legal options, so that you can make choices that feel right for you.



If you fear for your safety, you may call 9-1-1.

Be aware that police may pass on information about your immigration status to immigration authorities. This can lead to arrest, detention or removal from Canada if you are undocumented or in violation of immigration laws.

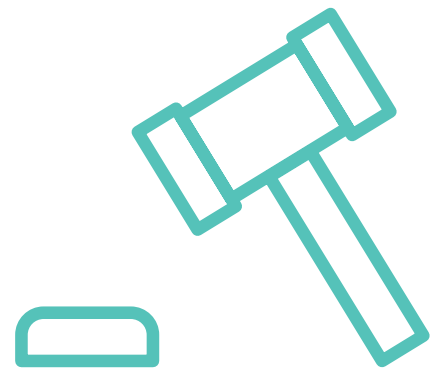


If you are facing exploitation or abuse and need urgent help, you may call VictimLinkBC at 1-800-563-0808 for information, referrals and immediate crisis support in multiple languages.

Can my employer fire me for reporting workplace sexual harassment?

It is illegal for your employer to punish you for reporting workplace sexual harassment. This is called retaliation. Retaliation includes firing, giving you harder tasks, denying a promotion or benefits, and the harassment getting worse.





Is workplace sexual harassment against the law / illegal?

Yes, it is against the law. Employers have a legal duty to ensure that a workplace is safe and free from sexual harassment. This means taking steps to prevent and respond to sexual harassment at work. Employers have a duty to develop a policy statement on bullying and harassment, including workplace sexual harassment. They also have a duty to have procedures in place to report harassment and to investigate any reports.

Everyone in the workplace can help identify, address, and prevent sexual harassment. This is important because some people may feel uncomfortable telling others about what's happening. You can educate yourself on what sexual harassment looks like and learn about the policies and procedures at your workplace to prevent and stop incidents of sexual harassment.

Sexual harassment has no place at work.

If I have experienced sexual harassment at work, what are my legal options?

There are different legal options and each one has advantages and disadvantages. Contact the **Respect at Work Legal Clinic** to better understand your legal options.

Here are some examples of your options:

- File a complaint to **BC Human Rights Tribunal**, if you have experienced discrimination on the basis of sex, sexual orientation, gender identity and gender expression during your employment.
- Make a report to the **WorkSafeBC Prevention Line** (1-888-621-7233). A safe workplace is free of bullying and harassment, including workplace sexual harassment. If the workplace harassment caused you physical injury or resulted in a mental disorder, you can file a claim with **WorkSafeBC**. You may be entitled to financial compensation for lost wages or health and rehabilitation services.
- File a **civil lawsuit** in Court if you were fired for speaking up about the harassment or if you had to quit because of the harassment.
- File a **police report** if you have been sexually assaulted, threatened, harassed or stalked. As noted above, if you are undocumented or in violation of immigration laws, you may be at risk of arrest, detention or removal from Canada when reporting to the police.

The deadlines to complain for each of these options are different. You might also have legal options beyond what is covered in this factsheet. We recommend contacting the **Respect at Work Legal Clinic** to get legal advice before making your decision.



Does my immigration status matter?

You are entitled to protections under the law **regardless of your immigration status**. If you are worried about how filing a complaint may affect your immigration status, we recommend contacting the Respect at Work Legal Clinic to get legal advice.

If you are in Canada with a temporary immigration status or are undocumented, you may be able to get a different immigration status, such as an open permit for vulnerable workers or a temporary resident permit.

Open Work Permit for Vulnerable Workers: If you have a work permit tied to one employer and face abuse at work, including workplace sexual harassment, this permit can allow you to leave your employer and find a new job (valid up to 12 months).

Temporary Resident Permit (TRP): If you are undocumented or in violation of immigration laws and there is a compelling need for you to stay in Canada, you may be able to apply for a TRP that allows you to stay in Canada legally for up to 6 months. You may also be entitled to an open work permit, as well as health care and social assistance.



Who can contact the Respect at Work Legal Clinic?

If you are new to Canada and have experienced sexual harassment at work or know someone who has, we can help.

All newcomers to Canada are eligible for our legal services. This includes:

- Permanent residents;
- Naturalized citizens;
- Migrant workers;
- Refugee claimants;
- International students; and
- Those whose status has expired or who are undocumented.

We offer 1:1 private, **FREE** and **CONFIDENTIAL** legal information and advice.

We can connect you with organizations if you need:

- Emotional support
- Counselling
- Employment and settlement services
- Other community services

We will provide an interpreter if you would like one. Services are available in person, over the phone or through a virtual platform.



Contact us today:
Respect at Work Hotline
604-404-1931
respectatwork@mwcbbc.ca

 mwcbbc.ca

 issbc.org

 [MWCBC](#)

 [MWC_BC](#)

“
I would like to thank you for listening and giving me some options, that helps me a lot to regain my confidence.”

“
I think what newcomers miss most in times like that is someone they trust to talk to. I think a very important step in healing is to talk about it and usually if we are new here, we don't have close friends yet, we don't have family, so for me the most important thing is to have someone to talk to about it.”



Migrant Workers Centre (MWC) and Immigrant Services Society of BC (ISSofBC) are working in partnership to offer the Respect at Work Legal Clinic. You can also connect with us for free public legal education workshops and training on workplace sexual harassment.

This booklet is current as of July 2022. It contains legal information only and does not constitute legal advice.