migrant workers centre

Ending Violence Association of BC

CANADIAN WOMEN'S FOUNDATION

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Best Practices to Support Newcomers Impacted by Workplace Sexual Harassment

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Most importantly, we are grateful to the many newcomer communities we work with. We are committed to honouring their voices and hearing their experiences to direct and inform our legal education and advocacy work.

Territorial acknowledgement

This toolkit was published and developed on unceded Coast Salish territories, including the lands belonging to the xʷməθkʷəy̓əm (Musqueam), Sḵwx̱wú7mesh (Squamish) and səl̓ilwətaʔɬ (Tsleil-Waututh) nations.

About this toolkit

Objective

This toolkit aims to guide service providers who support newcomers dealing with sexual harassment at work. It provides practical tips and strategies for incorporating trauma-informed and culturally-aware practices into their day-to-day work. While sexual harassment at work impacts all people and communities, the challenges faced by newcomers are unique. They are at a higher risk of workplace sexual harassment (WSH), and often encounter additional barriers to accessing safety, support, and legal advocacy.

Rationale

We recognize the crucial role that service providers across many different community agencies play in supporting newcomers. These providers connect with newcomers during initial intake, case management, and safety planning, and collaborate with newcomers in arranging services such as language classes, and employment assistance. Each of these interactions is an opportunity to establish trusting and respectful relationships. Therefore, this toolkit aims to assist service providers in their interactions with clients.

The foundation of this toolkit is rooted in the principle that everyone deserves to feel welcome, safe, and respected at work. Everyone has the right to equitable treatment at work, without discrimination or harassment, regardless of immigration status or social identity.

How to use this toolkit

We encourage you to actively interact with this toolkit by working through its content and fully engaging yourself in the self-reflection activities provided. By doing so, you can develop a deeper awareness of the impact of trauma and the intersection of culture, gender, and other social identities when supporting newcomers who have experienced WSH. We aim for this toolkit to be a dynamic resource, supporting the day-to-day work of service providers.

Please note that background information on workplace sexual harassment (WSH) can be found in Appendix A on page 40.

Barriers to disclosing and reporting WSH particular to newcomer communities

1. **Cultural norms and expectations:** Societal beliefs and myths around gender-based violence (GBV) and workplace sexual harassment can make it hard to talk openly about these issues. Fear of family and friends finding out can also make it difficult to disclose.
2. **Fear of retaliation and shame or guilt:** Worries about the harasser seeking revenge and feelings of shame or guilt can prevent people from speaking up. They may hesitate to get the person in trouble or disrupt existing relationships.
3. **Fear of disbelief and discrimination:** Fears of not being taken seriously or believed when reporting WSH, especially within communities already facing discrimination, racism, and sexism.
4. **Impact on immigration and income:** Concerns about negative effects on immigration status, like visa applications or permanent residency, can discourage reporting. Fear of losing income tied to immigration status adds complexity to the decision to come forward.
5. **Language barriers and lack of knowledge:** Difficulty communicating, and limited awareness of culturally appropriate support services hinder access to information. Unfamiliarity with available resources makes it harder for newcomers to seek help.
6. **Past experiences and distrust:** Previous encounters with GBV or negative interactions with authorities can lead to distrust and reluctance to report WSH.
7. **Isolation and lack of support:** Newcomers, especially those in isolated or rural areas, face challenges in building a social support network. Isolation worsened by the COVID-19 pandemic further hampers seeking help.

Definitions used in this toolkit

To ensure that this toolkit is accessible and practical, the following are key concepts and phrases used throughout these materials:

Gender-based violence (GBV): Violence directed at individuals or groups based on their gender, gender expression, gender identity or perceived gender. This includes physical, sexual, verbal, emotional, and psychological abuse, threats of harm, coercion, and deprivation of economic or educational opportunities.

Workplace sexual harassment (WSH): 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.

Trauma: A term used to describe the emotional consequences that result from living through a distressing event. Experiencing a traumatic event can harm a person's sense of safety, sense of self, and ability to regulate emotions and navigate relationships. It can also lead to lasting impacts of feelings of shame, helplessness, powerlessness, and fear.[1]

Vicarious trauma: The negative impact on those who support survivors of trauma and traumatic events. It can change their perspective of the world, causing them to lose hope, pull away from others, and feel physically or emotionally exhausted. This, in turn, can affect their ability to provide support and empathy to clients.

Trauma-Informed Practice ("TIP"): Incorporating an understanding of trauma and its prevalence into all aspects of service delivery and client engagement.[2] Understanding the effects of trauma brings us to focus on our clients' safety, empowerment, choice, and decision-making. This toolkit discusses key principles guiding trauma-informed practice.

Cultural humility: A mindset that involves self-reflection and understanding of one's own social position. It requires being humble and respectful toward individuals from diverse cultures and challenging your own beliefs, as well as the conscious and unconscious cultural biases that you may have towards others.

Cultural competence: Ability of service providers to use their specialized knowledge and skills to confidently interact with clients from different cultures, by tailoring their services to meet their clients' social, cultural, and linguistic needs.[3]

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1. "Trauma," Canadian Association of Mental Health, https://www.camh.ca/en/health-info/mental-illness-and-addiction-index/trauma. Accessed May 2023

2. "Larke N Huang et al., "SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach," Substance Abuse and Mental Health Services Administration, July 2014, https://ncsacw.acf.hhs.gov/userfiles/files/SAMHSA_Trauma.pdf

3. Katherine A. Yeager and Susan Bauer-Wu, "Cultural Humility: Essential Foundation for Clinical Researchers," Applied Nursing Research 26, no. 4 (August 12, 2013): 251–56, https://doi.org/10.1016/j.apnr.2013.06.008.

Microaggressions: Any behaviours that are indirect, subtle, or unintentional discrimination against members of a marginalized group. Examples of microaggressions include but are not limited to: comments about clothing or body, invading of a worker's personal space, placing an arm on a worker's shoulder, and touching the worker in any way.

Intersectionality: A term coined by black feminist civil rights activist, scholar, and lawyer, Kimberlé Crenshaw, that refers to the multiple overlapping identities that individuals possess, which further influence their experiences of discrimination and oppression.[4] It is a concept that helps us understand how these various forms of power and privilege are interconnected and occur simultaneously.

Newcomers: Throughout this toolkit, the term "newcomer" is used to refer to a range of individuals, including: permanent residents, naturalized citizens, migrant workers, refugee claimants, international students, and those whose status has expired or those who are undocumented. This generalization is made for the purpose of ease in sharing information. It is important to note that the definition of newcomers may vary depending on the policies of the specific programs or organizations that you work with. Additionally, some individuals may not identify themselves as newcomers due to their length of time in Canada. This toolkit focuses on working with newcomer communities and sharing best practices to support them in their specific lived contexts.

Service provider: Includes any worker who, in their current role, performs tasks such as conducting needs assessments, providing settlement or social service information, and facilitating referrals. This encompasses a range of individuals, including case workers, intake workers, community outreach facilitators, housing counselors, settlement workers, employment facilitators, family support workers, as well as legal advocates and lawyers.

4. "Kimberlé Crenshaw on Intersectionality, More than Two Decades Later," Columbia Law School, 2017, https://www.law.columbia.edu/news/archive/kimberle-crenshaw-intersectionality-more-two-decades-later.

Understanding intersectionality and cultural competence

Prioritizing the well-being and safety of clients is critical to the work that you do. By delivering client-centered services effectively, you support their recovery, reduce further harm, and empower them to make their own decisions. Building respectful relationships with clients, where their safety and needs are the focus without judgment, is essential for service providers.

Many of the clients you encounter in your daily work have faced discrimination, racism, sexism, and negative stereotypes throughout their lives due to their social identities or cultural backgrounds. They may have experienced prejudice while accessing services or the justice system. As a service provider, you can facilitate referrals and improve access to supports and resources for your clients. It is important to acknowledge the presence of power dynamics and understand how your unconscious biases, cultural biases, and privilege can impact your interactions with clients. This awareness is crucial to break down barriers within community agencies.

An awareness of your own social location and that of others is crucial in providing client-centered services. Social location encompasses factors such as gender identity and expression, race, social class, age, ability, religion, sexual orientation, and geographic location that contribute to a person's social identity. These factors shape how individuals experience WSH and navigate the systems they encounter, including the justice system and community services.

Intersectionality is a concept/term/theory that refers to how the multiple overlapping identities that individuals have can further influence their experiences of discrimination and oppression. Understanding intersectionality helps us grasp how various forms of power and privilege intersect and often occur simultaneously. When supporting clients affected by WSH, it is important to consider their sex, sexual orientation, gender identity or expression, race, colour, ancestry, place of origin, Indigenous identity, religion, marital status, family status, age, physical or mental disability, and more. Our society often perpetuates inequalities and overlooks the unique challenges faced by individuals at the intersections of marginalized identities. This failure results in the marginalization of these individuals and perpetuates systemic discrimination. By integrating trauma-informed practices and intersectional approaches into your service delivery you can ensure that you are treating your clients with dignity and respect.

By engaging with this toolkit, you demonstrate a willingness to explore, learn, and challenge your privilege and unconscious biases. This is an ongoing journey throughout your career as you continue to discover, reflect, and embrace the insights and experiences of your clients. We strongly encourage you to complete the Social Identity Wheel (found in at Appendix C). This activity will help set the stage for the content in this toolkit and promote a better understanding of your clients' experiences, making trauma-informed principles essential strategies to support them.

Unconscious bias and privilege

As service providers, it is important for us to be aware of the privilege we hold and how it affects our relationships to our clients. Privilege does not mean that a person has not faced hardships, but acknowledges that certain aspects of their identity, such as race, gender, or socio-economic status, have granted them advantages that others may not have. Reflecting on our privilege allows us to recognize the benefits we have had in life. Although exploring privilege may evoke feelings of guilt, it is important to push through these discomforts. Understanding how privilege can impact individuals positively or negatively helps us better support, understand, and advocate for our clients.

Common biases that we may unconsciously hold:

A **Cultural bias:** The tendency to judge and interpret others' cultures, values, beliefs, and traditions without firsthand experience or knowledge.

B **Affinity bias:** The inclination to connect more easily with those who are like us, often referred to as "cultural fit."

C **Perception bias:** The tendency to form stereotypes and make assumptions that hinder objective judgment.

D **Halo effect:** The tendency to believe everything about a person is positive because we like that person.

E **Gender normativity:** The belief that there are specific masculine and feminine roles and behaviors required of a person based on their gender.

By recognizing and addressing these biases, we can strive for more equitable and inclusive interactions with our clients.

Cultural competence

As you uncover your own unconscious biases, you can start developing **"cultural humility"** through honest self-reflection, recognizing your own social position, and unlearning biases towards people from different cultures. By doing so, you can work towards creating an environment of "cultural safety," a term coined and developed by Irihapeti Ramsden, a Māori nurse in New Zealand.[5] It refers to a progression from **cultural awareness, cultural sensitivity, and cultural competence.** This progression is an active commitment, rather than a one-time process.

By committing to cultural humility, you can develop **cultural competence,** which is the ability to interact effectively with individuals from diverse cultural backgrounds with curiosity, respect, and without judgment. To develop cross-cultural communication skills, be open to expanding your worldview by learning about your clients' experiences, cultural practices, and values. Cultivating cultural competency is a lifelong journey that requires ongoing learning, self-awareness, and cultural humility to provide cultural safety. Through this commitment, you can understand and foster more meaningful relationships with individuals from diverse backgrounds.

The Cultural Competence Self-Assessment Checklist is a valuable tool for and assessing your level of cultural competence. You can find the checklist at Appendix D.

5. Irihapeti Ramsden, "Cultural Safety and Nursing Education in Aotearoa and Te Waipounamu: A Thesis Submitted to the Victoria University of Wellington in Fulfilment of the Requirements for the Degree of Doctor of Philosophy in Nursing" (thesis, 2002).

Understanding trauma and what it looks like

"Trauma is what happens inside you as a result of what happens to you."
—Gabor Maté[6]

Trauma refers to the enduring emotional response that stems from experiencing distressing events. It encompasses three components:

1. **exposure** to harmful or overwhelming events or circumstances
2. the individual's unique **experience** of these events, and
3. the potential for adverse and long-lasting **effects**.[7]

Trauma impacts individuals in unique ways, and several factors influence how a person copes and seeks help after such events. These factors include the severity and nature of the trauma, the person's age, their resiliency, the support system available to them, and their cultural background. These elements play a role in determining the physical and emotional impact of the traumatic experience on an individual.[8]

Types of trauma

There are three main types of trauma: acute, chronic, and complex. Some people who experience WSH may be more affected than others who experience similar events. Symptoms can be psychological, physical and can include Post-Traumatic Stress Disorder (PTSD).*

- **Acute Trauma** occurs due to a single devastating incident that poses a threat to a person's emotional or physical safety. Examples include sexual assault, accidents, and natural disasters.
- **Chronic Trauma** happens when a person is repeatedly exposed to distressing and traumatic events over a longer period of time. Chronic trauma can stem from experiences like sexual abuse, domestic violence, ongoing WSH, and bullying.
- **Complex Trauma** results from a person enduring multiple and diverse traumatic events, typically within the context of interpersonal relationships.

*According to the Centre for Addiction and Mental Health, "when thoughts and memories of the traumatic event don't go away or get worse, they may lead to **Post-Traumatic Stress Disorder (PTSD)** which can seriously disrupt a person's ability to regulate their emotions and maintain healthy relationships."

See: https://www.camh.ca/en/health-info/mental-illness-and-addiction-index/trauma

6. "Are We Mislabeling Our Trauma? Why Dr. Gabor Maté Believes We Need to Change the Way We Think about Pain | CBC Radio," CBCnews, November 25, 2022, https://www.cbc.ca/radio/thenextchapter/are-we-mislabeling-our-trauma-why-dr-gabor-mat%C3%A9-believes-we-need-to-change-the-way-we-think-about-pain-1.6661540
7. Nancy Poole, Christina Talbot, and Tasnim Nathoo, Healing Families, Helping Systems: A Trauma-Informed Practice Guide for Working with Children, Youth and Families, 2017, https://www2.gov.bc.ca/assets/gov/health/child-teen-mental-health/trauma-informed_practice_guide.pdf
8. Poole, Talbot, and Nathoo, Healing Families, Helping Systems.

Trauma responses

Recognizing these behaviours are often protecting the individual, so they can stay safe:

- Fight – responds reactively, pushes back (e.g., rage, anger)
- Flight – flees, runs away, withdraws (e.g., panic, worry)
- Freeze – freezes and is not able to run away, move, fight back, or call for help (e.g., dissociation, numbness)
- Fawn – people pleasing, inability to say no, prioritizing others (e.g., co-dependency, lack of boundaries)
- Disconnection from the self, no longer in the now

How trauma presents itself

Just as the lasting effects of trauma are different for different individuals, the trauma symptoms individuals experience can differ significantly. Some common symptoms that can arise from experiencing a traumatic event include:[9]

- Intrusive thoughts or flashbacks of the event
- Hyperarousal (feeling constantly "on edge" or irritable) in certain environments or social settings
- Changes in memory, recall, or concentration
- Nightmares or difficulty sleeping
- Feelings of sadness, anxiety, anger, guilt, shame, and or fear
- Changed sense of self, loss of trust in others
- Feeling disempowered

The diagram below displays the various ways that individuals can respond to the impact of trauma:[10]

9. Lawrence Robinson, Melinda Smith, and Jeanne Segal, "Emotional and Psychological Trauma," HelpGuide.org, June 6, 2023, helpguide.org/articles/ptsd-trauma/coping-with-emotional-and-psychological-trauma.htm
10. "Trauma-Informed Practice (TIP) Foundations Online Course for Justice, Public Safety, and Anti-Violence Community Sectors in British Columbia," CPKN, (2022).

Impacts of WSH on a client

WSH can have a severe and traumatic impact on a client. It is important to be able to recognize some of these characteristics when supporting your client. A person who has been sexually harassed at their workplace may:

- Feel distracted, tired, forgetful and may ask you to repeat what you are saying
- Find themselves self-isolating and avoiding work
- Experience physical and mental health issues

Your client may also be very concerned about maintaining confidentiality and fear people finding out what happened to them. This fear can arise due to concerns about their immigration status, the risk of losing their job, the possibility of their supervisor being the harasser, or facing additional discrimination (such as racism or sexism) while seeking support from various systems.

Recognizing vicarious trauma

It is important to acknowledge that service providers who work with traumatized clients, such as clients who have experienced WSH, can suffer from what is known as vicarious trauma. Hearing about the experiences and pain of traumatized clients can result in symptoms such as feelings of helplessness, disrupted sleep, difficulty in maintaining healthy boundaries, and other physical and mental health issues.

To have a trauma-informed approach, it is essential for professionals in these roles to prioritize self-care and seek out appropriate support to effectively navigate the emotional impact of their work. If you find yourself getting triggered or experiencing sleep disruptions while working with clients, it is crucial to seek support and supervision from your organization.

Self-care for service providers is discussed in more detail on page 33 of this toolkit.

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Toolkit

Practical Strategies for Trauma-Informed Practice

Trauma-informed approaches

As a service provider working with vulnerable populations, it is critical that you incorporate a trauma-informed approach into your work with clients.

Working with a trauma-informed approach means:

- Having an awareness and understanding of violence and trauma and its impact on people's lives
- Understanding your own trauma, and how it has impacted your life
- Becoming aware of your own triggers
- Recognizing the signs of how trauma impacts people and how it shows up.
- Taking steps to avoid re-traumatizing and causing further harm

Window of tolerance

At times, a client may reach a point where everything feels unbearable and overwhelming. This indicates that they have become completely dysregulated, and their nervous system is imbalanced. When a client exhibits adaptive behaviors like **fight, flight, freeze,** or **fawn,** they have moved beyond what Dan Siegel refers to as the *"window of tolerance."*[11] This window represents a state of calm, safety, clear thinking, and alertness.

If we observe that a client is outside of this zone, we can encourage them to join us in taking deep breaths into their belly. Additionally, we might ask the client to become aware of their body by noticing what their feet or hands are touching. We can also suggest placing a hand on their belly or heart and taking deep breaths.

Trauma-informed means shifting our mindset from judgement and curiosity to empathy and understanding by asking *"what happened to you?"* rather than "what is wrong with you?"

In this section, we will explore the key principles of Trauma-Informed Practice (TIP) and provide a practical, hands-on approach to support those individuals who have experienced WSH. We encourage all service providers to reflect on your current practices and how these principles and strategies can be best incorporated into your work.

11. "How to Help Your Clients Understand Their Window of Tolerance," NICABM, November 21, 2022, nicabm.com/trauma-how-to-help-your-clients-understand-their-window-of-tolerance/

Key Principles of Trauma-Informed Practice

1. Trauma awareness

The first step in being trauma-informed is to be aware of the types and impacts of trauma (discussed in the previous section). It is also helpful to be aware of the prevalence of trauma. Almost two-thirds (64%) of Canadians have reported being exposed to at least one potentially traumatic event during their life.[12]

While delivering services, it is important to take **"universal precautions"** by assuming everyone has experienced trauma and acting accordingly.

Lastly, trauma symptoms may appear differently for newcomers.

For example, the MWC staff have noticed the "fawn" trauma response most frequently. This is because newcomers, who are vulnerable, might fear that being their authentic selves could lead to losing their job or their friends. Therefore, adopting a fawning attachment style serves as a protective mechanism to ensure their safety.

12. "Survey on Mental Health and Stressful Events, August to December 2021," Statistics Canada, May 20, 2022, https://www150.statcan.gc.ca/n1/daily-quotidien/220520/dq220520b-eng.htm

2. Safety

Individuals who have experienced WSH often feel unsafe as they may no longer trust their judgement and/or intentions of others. Thus, ensuring safety is an important first step in building a relationship of trust. Environments that are physically, emotionally, and culturally safe have a significant influence on client engagement, retention, and positive outcomes.

Strategies to improve **physical safety:**

Physical safety can be emphasized through attention to the physical environment within a workspace, a meeting room, and the common areas in community agencies. **What *we* may consider safe may not feel safe for our clients.**
So, when exploring physical safety, ask your client what you can do with the physical environment so they can feel safe.

- **Make sure your office has clearly marked emergency exits.** Individuals who have experienced WSH may appreciate a tour of the office and knowing where the exits are. Also, consider positioning the client in a way that allows them to have a clear view of the door and an unobstructed path to the exit, so they can easily leave if they feel the need to.
- **Walk through your office and notice the location and accessibility of printed materials, such as posters, fact sheets, and hotline information.** The location, visibility and accessibility of these materials will help to encourage a sense of safety. Having information regarding GBV and WSH visible will also demonstrate the prevalence within Canada.
- **Pay attention to the volume, noise, or workplace commotion.** If the meeting area is noisy, this may negatively impact the client's ability to feel relaxed and engage during an appointment. On the other hand, silence may act as a trigger for individuals who grew up in chaotic households or have experienced tumultuous situations. Being mindful of your client's comfort level with different levels of noise or activity can help create a more inclusive and supportive environment.
- **When you are meeting with clients, think about the appropriate level of privacy for both your client's comfort and the information being discussed.** One approach to fostering a sense of safety is to keep your door slightly ajar. However, when discussing confidential information, it may be more suitable to close the door. It is crucial to be mindful of your client's comfort level throughout the interaction.

- ☑ **Always respect the personal space and physical boundaries of your client.** Clients who have experienced WSH did not have their personal space respected, therefore, as part of TIP, modelling this is essential. Some examples are:
  - May I shake your hand?
  - Can you pass me those papers?
  - May I take your coat?
- ☑ **If your client becomes emotionally upset or triggered during a meeting, having items available to help with mindfulness and grounding** and to safely express emotions will help promote an individual's sense of safety.
  - In the next section, we discuss a coping toolbox and how that can be helpful during such times.

Strategies to support **emotional safety:**

Focusing on the **emotional safety** of clients is just as important as the physical safety components discussed above. Emotional safety recognizes feelings, thoughts, and emotions a client may experience if they choose to share details about WSH.

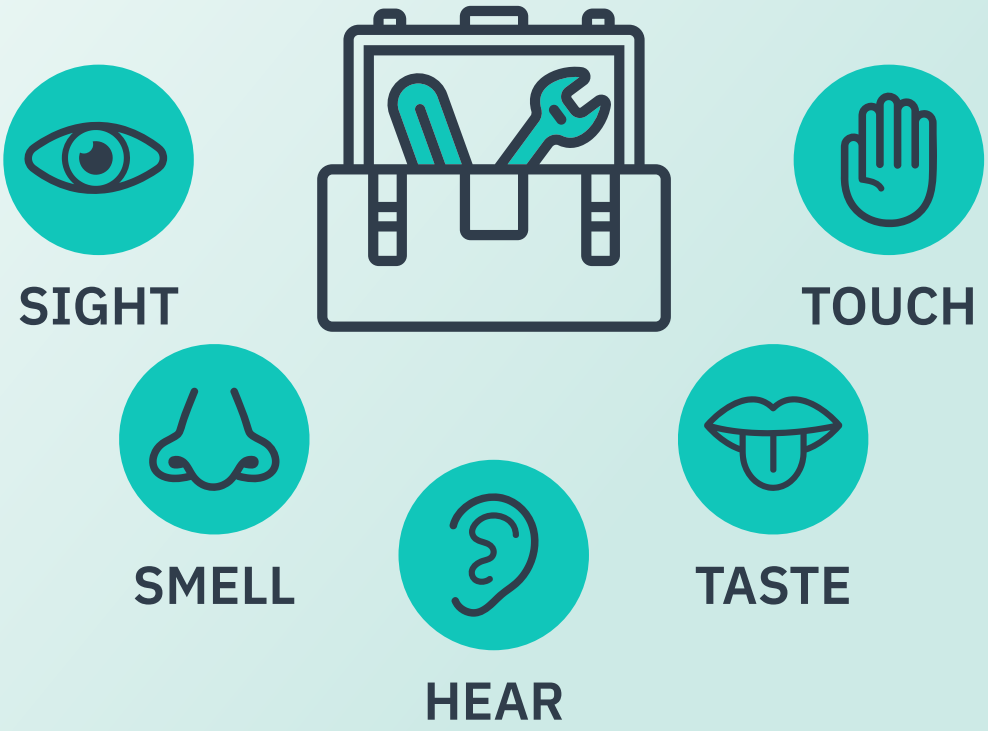
You can create a welcoming and non-judgmental space by using statements such as:

- **It's okay** to let those emotions out.
- **It was not your fault;** you have every right to feel _____ (Mirror the words used by your client. If they are leaning into any victim blaming myths, make sure to point that out.)
- **I hear you.**
- **I am here** to support you; you are not alone right now.
- Can I invite you to choose an **activity from the coping toolbox** we can do together? I think it may be helpful at this time.

Part of emotional safety is also about teaching your client emotional regulation and developing tools to self-soothe. By providing access to coping tools and strategies, you empower clients to navigate their emotions without fear. **You can do this through ongoing consent: don't assume you have consent through the whole time you are together.** During a half hour or one hour session, periodically check in with the client by asking, *"is it okay to continue?"* This practice allows clients to take control of their own well-being and exercise their right to pause or stop at any time if needed.

- ☑ **Maintain consistency and establish a routine.** Fear of the unknown or what to expect next is common after an individual experiences WSH. Some examples are making sure the client is informed about your office hours, any office closures, and turnaround time for a reply.
- ☑ **Create a welcoming intake process.** This includes the verbal and nonverbal body language of staff who welcome clients to your agency. Some simple steps you can take are:
  - Greet clients when they enter your waiting area.
  - Ask if they need anything such as water or access to the washroom while they wait for their appointment to start.
  - Check in with them about any language preferences and whether they require interpretation services.
  - If there is a wait time for your client, let them know how long they should expect to wait and how they will be notified when they can come in (e.g., *"I will return and call your name," "The receptionist will call your name,"* or any other suitable procedure).
- ☑ **Allow your client a chance to settle in** before you discuss the tasks or work that needs to be accomplished during the day's meeting.
  - Light conversation will help build rapport and show the client that they are welcome, and that they matter to you.
- ☑ **Briefly recap where the last meeting was left off** and review the plan for the day's meeting.
- ☑ **Remind clients that it's alright to express thoughts and feelings** when they are with you. You can verbally acknowledge that the discussion may be challenging and triggering for them. If a client experiences heightened emotions during an appointment, you may use the coping toolbox.
- ☑ **Expressly voice to your client** that their emotions and reaction to WSH is normal, and very much a part of the healing process.
- ☑ **Take pauses during your meeting** with the client to ask if they have any unanswered questions. Before moving to a new topic, check in with your client to ensure clarity regarding what has just been discussed. Create time and space for your client to express if they require further information.

Coping Toolbox



Having an emotionally supportive toolbox available while meeting with clients is often very helpful. Introducing the toolbox and its contents during your initial meeting will help encourage emotional safety and show that you may anticipate some need for it in future meetings. This will show your client that you are ready to support them and that their feelings and well-being matter.

The items in the toolbox are designed to help clients ground themselves and provide support whenever intense thoughts and emotions may arise.

Create your own toolbox, keeping in mind that it should be easily accessible. Your toolbox can consist of items you carry in a purse, bag, or pocket. Choose things that resonate with you and help you feel calm. These can include items that engage one or more of your senses. For example, small rocks, fidget spinners, and rubber bands can help stimulate the sense of touch. You may also find activities, printed materials for breathing exercises, short grounding exercises, and five-sense mindfulness activities helpful for both you and the client to do together. Lastly, having candies or essential oils can assist the client to focus on the sense of taste or smell.

Introduce your toolbox to your client by explaining that it is intended to help them ground themselves during intense emotions and process difficult feelings. Explain why you chose those specific items. Ask if any of the items resonate with them, and if they would like to include them in their toolbox. Explore together what could be included in their toolbox. Let them know that if calling it a "toolbox" doesn't feel right, they can choose an alternative name. The goal is for clients to develop healthy coping strategies when they feel overwhelmed.

The toolbox provides options for your client to engage with their senses. By allowing clients to ground themselves in their senses, the items in the toolbox can help clients process and release intense emotions that may arise during a meeting.

Grounding Exercises

Please note that having a coping toolbox may not always be realistic depending on resources available to you, as well as your role/job. In those situations, you can use the following grounding exercises:

- Ask the client if it might be helpful to take a couple of deep breaths together to try and relax. You can ask them to focus on you and/or to follow your instructions.

For clients who find it difficult to be with the breath, you can guide them through the following grounding exercise to help them focus on their senses.

- *"Okay, we are going to walk through the following exercise, there are no wrong answers. Can you tell me 5 colours that you can see? What about 4 things you can hear? 3 things you can feel/touch, 2 things you can smell? 1 thing you can taste?"*

- Walk them through the exercise if they have never done it before and encourage them to do so on their own, outside of your office if they ever need to.
- Encourage clients to move around, bounce, shake out their arms or say a phrase like *"I'm safe"* that helps them feel grounded. If the client speaks English as a second language, encourage them to find a phrase or saying in their first language or mother tongue that can may ground them.
- Offer a glass of water.

3. Trust

Clients who have experienced WSH may no longer trust the intentions of those around them. They may feel vulnerable and unsafe. In addition, they may have suffered abuse of power within important relationships, and these relationships may be ongoing. Therefore, we as service providers need to model qualities such as honesty, open communication, respect, and collaboration. By incorporating TIP into your daily practice, you will help clients build confidence and trust in their decision making which will help heal the distrust they feel.

Strategies to **build trust:**

- ☑ **Take the time to review confidentiality.** Thoroughly explain and discuss confidentiality in all respects, such as verbal and electronic communication, case notes, official documents, and more. You can show respect and trustworthiness by ensuring that your clients fully understand how their information will be used and protected. If English is their second language and you don't speak their first language, arrange for a translator who can accurately translate all confidentiality-related matters into their first language.
  - This includes not requesting or allowing clients to sign blank releases. Explain why a specific release is important based on the case plan and next steps.
- ☑ **Practice active listening with your client.** In your first couple of sessions, your role may be to just listen to whatever your client needs to share.
  - Be aware that the impact of trauma often stems from a lack of someone to talk to or believe them. Clients may have experienced a lifetime of not having anyone to confide in, especially if they come from war-torn countries or have had to flee their home out of fear for their safety.
  - Listening can be challenging, especially if someone is sharing a painful story. You can suggest something like, “Let’s both take a breath together”, or “let’s pause together.” This will help slow the pace down.
  - While listening to a client, avoid attempting to resolve or solve the issue. Avoid interpreting or assuming their feelings. Seek clarification wherever needed.

- ☑ **Be clear about your role, what you can do to help, and be straightforward about any limitations or barriers you anticipate based on their needs.**
  - If a client trusts you, they may ask for your assistance beyond your capacity/skills.
  - Encourage the client to further trust you to make referrals. When you are making referrals, explain why you are referring them to someone else and why you think that it is the right choice to refer them to that individual—how are they more capable than you at supporting your client in that area?
- ☑ **Show kindness and respect** throughout all communication.
- ☑ **Seek clarity** if you don't understand what your clients mean.
  - Sometimes clients will speak indirectly about trauma and abuse. They may use words like bothering/harassing, but not say sexual harassment.
- ☑ **Do not make assumptions** about their experience.
  - *"Aren't you glad you live in Canada now?"* (Assumes that things are better now)
  - *"Where are you from?"* (Assumes client is an outsider)
- ☑ **Express trust in your client's decision-making** and demonstrate that you value their opinion.
- ☑ **Do what you say you are going to do.** Ensure you keep the client in the loop about the steps that need to be taken to complete a task.
  - If you need to seek guidance or input from a supervisor or senior colleague before completing a task for your client, it's important to communicate this to your client. Let them know that your organization operates as a team and that you value the expertise and guidance of others. Being transparent about this process helps build trust with the client.
  - If tasks are delayed or incomplete, be open and apologize. Apologizing demonstrates respect for the client and acknowledges that you are human and capable of making mistakes.
  - From the start, it is important to actively build a strong relationship with your client. Building a relationship based on trust and connection is crucial, particularly for clients who may have experienced past failures in relationships, such as partnerships, friendships, or colleagues. By modeling a healthy dynamic and demonstrating genuine care, you can help them develop trust and foster a positive connection.
- ☑ Take the time to normalize why they no longer trust those around them. Remind them that when trust is broken, it takes time to heal.

4. Choice and Collaboration

As service providers, we can encourage a client's sense of control and reinforce the importance of their input throughout our interaction with them. Creating opportunities where clients are encouraged to make choices about their situation and next steps helps to promote a sense of control and self-determination.
In situations of trauma and WSH, individuals lack choice and control. Showing that you support the clients' decisions will foster a sense of competence and trust in their own decision-making.

Strategies to **encourage choice and collaboration:**

- ☑ **Frame everything as an invitation,** rather than a directive.
- ☑ **Seek your clients' feedback,** encourage them to ask questions and express their concerns during all phases of service delivery.
- ☑ **Provide choices** expressly.
  - "You do not have to answer questions you don't want to."
  - Offer your client several different appointment times and encourage your client to choose the time, frequency, and length of the appointments.
  - Ask your client to choose how they would like to meet, whether in person, over the phone or virtually.
  - Ask your client to set the pace of your meetings and discuss the next steps, and tasks to be completed together.
- ☑ **Provide options for referrals** to other services. Listen to clients' thoughts on which services they prefer (this is also helpful for developing a list of safe services for referral).
- ☑ **Provide information** to your client around what options are available to them and what others who have experienced WSH have found helpful. This will ensure your client has all the information so that they can make informed decisions that feel right for them.

5. Empowerment

Building confidence and trust in oneself is essential to healing from trauma and WSH. Therefore, assuring clients that their opinion and voice matters will facilitate self-empowerment. As service providers, it is our role to help uncover strengths our clients may be unaware about and to promote resiliency and coping skills. Throughout the working relationship, we teach skills to manage trauma responses by identifying triggers and demonstrating techniques to stay calm, centered, and present. When clients feel in control of their emotional responses and the symptoms of trauma, they will feel more empowered in their daily lives.

Strategies to **encourage empowerment:**

- ☑ **Respect your clients' decisions** as they are the expert in their situation.
- ☑ **Use strength-based language,** such as:
  - I'm sure it took courage to make that decision.
  - You are very determined to complete this, and I respect your wishes.
  - You are brave, caring, resilient.
  - You have overcome many things in your life.
- ☑ **Encourage your client to show self-compassion,** release any feelings of self-blame and take steps to begin the healing process (that may look like reporting to the authorities, therapeutic support or whatever else the client chooses.)
- ☑ **Connect them with leadership programs,** general skill building programs, language classes, peer support groups, etc.
- ☑ **Provide resources/referrals for mental health.** Include low-cost options for counselling services in language of their preference. Resources available at the end of this toolkit on page 37.

Considerations around culture and gender

Different cultures interpret and respond to trauma differently. Culture plays a crucial role in an individual's healing process and can be an important source of support after a traumatic experience. Within each culture, there are opportunities for connecting with others, participating in healing ceremonies, and accessing traditional support, which are essential for individuals. Our role as service providers is to facilitate discussion and explore any supports that the client may find helpful. Neglecting the connection between culture and healing can have harmful consequences and overlook a vital aspect of individual well-being. Gender is another important consideration for service providers to be aware of when supporting survivors of WSH. People of different gender identities and sexual orientations have unique experiences that determine how they experience and respond to trauma and WSH.

It is also important to recognize that discussions about gender and sexual orientation may be new to some newcomers, including those who come from countries where these topics are criminalized. While not endorsing exclusionary views, it is important to create a safe environment where your clients feel comfortable expressing their fears and concerns. Service providers must acknowledge that systemic barriers and discrimination may discourage individuals from seeking support. Some clients may lack trust in the systems and institutions in which we work due to past harm inflicted on them or their families. Therefore, it is important for us to be aware of community supports that exist for our clients and to try and incorporate them into our support plans where the client thinks it will benefit them.

Strategies to incorporate an **awareness of culture and gender** into your practice:

- ☑ **Understand what gender means,** and how gender identity and expression differ from sexual orientation. The Gender Unicorn[13] in Appendix E is a helpful tool.
- ☑ **Don't assume someone's gender or sexual orientation**, and be aware that sexual orientation, like gender, can be expressed differently for different people. For instance, in certain cultures, an individual may identify as heterosexual while engaging in same-gender relationships.
  Similarly, someone may identify as gay while living in a heterosexual context. Do not assume the race/ethnicity of clients or that someone from a specific culture speaks a certain language, practices a certain religion or tradition, or behaves in a certain way.
- ☑ **Ask your clients** if there is anything within their culture, history, or community that will be helpful to them as they heal and move forward.
- ☑ **Have a discussion** around how their life experience may have influenced their response to WSH to help them work through any shame and self-blame they may be harbouring.
- ☑ **Recognize that clients are the experts** regarding their own experiences.
- ☑ **Ask them about their experience** with other agencies in the community. This will help you to make appropriate and safe referrals within the community.

13. Gender Unicorn," Trans Student Educational Resources, https://transstudent.org/gender/

How to talk about Workplace Sexual Harassment?

Talking to your clients about WSH can feel overwhelming. We suggest that you use the TIP strategies discussed above and strategies discussed in this section to talk about WSH with your clients.

Here are some practical tips to incorporate into your engagement with clients and confidently start the conversation about WSH:

1. **Be mindful and intentional:** You are now aware of the prevalence of trauma and WSH, and the barriers your clients may face when seeking help. Prioritize building a safe and culturally-sensitive relationship with your clients by using TIP strategies. This will set the foundation needed to talk to your client about sensitive topics and build the trust required to have sincere conversations about their safety and wellbeing.
2. **Be clear and direct in your communication:** Don't rush through a difficult discussion or try to protect the client from the topic you want to talk about. If you have a trusting relationship, they will understand why you're asking questions or expressing concern. Use concise language to convey your message effectively.
3. **Take it slow:** Allow pauses and silence during conversations. This gives both you and the client time to process information and decide how to respond.
4. **Practice and seek feedback:** Role-play scenarios with colleagues to enhance your communication skills. Ask questions and practice demonstrating care and concern. This will help you become more aware of your verbal and non-verbal cues.

Below we offer some examples of thoughtful questions you can ask your clients to explore their WSH concerns, discuss their work environment, and ask if they need help:

- *"Would it be alright if we discussed your work environment? I want to ensure that you are being treated well and that you feel safe. Is there anyone at work who makes you feel uncomfortable?"*
- *"Is there anyone at work whom you try to avoid? If yes, could you share more about that?"*
- *"Have you shared this information with anyone else?"*
  - This question is assuming that the client has disclosed experiencing WSH. This question allows you to delve deeper and determine if the client is feeling any shame, blame, or experiencing manipulation.
- *"Here at our agency, we recognize that newcomers are more likely to experience WSH, and we are working to raise awareness of this issue."*
  - You can then share example of WSH including offensive jokes, sexual suggestions, or requests, showing sexual photos or videos, etc. You can find more examples and plain-language explanation of WSH in the Respect at Work Legal Clinic booklet.*
- It's important to give your client the time and space to process these questions and allow them to choose whether to respond. If a client declines or says no to answering your questions, you can respond with: *"I respect your choice. I want you to know that I am here for you, and if you ever want to share anything with me or if you need help, I am here to support you."*

These examples help build trust and reassure the client that they are not alone. By asking these questions, you also create an opportunity for your client to disclose any unsafe or difficult situations they may be facing.

*See the Respect at Work Legal Clinic booklet at: mwcbc.ca/wp-content/uploads/2023/06/Respect-at-Work-Legal-Clinic-Booklet.pdf

Other factors to consider before initiating difficult conversations:

- **Ensure privacy and safety:** Ask if your client has enough privacy to have a safe conversation.
- **Avoid triggering language:** Avoid using terms like "sexual assault" or "rape" unless your client has already used them to describe their experience. Similarly, be mindful of using words like “victim” and “survivor” as they can be triggering for some clients. You can use phrases like “others who have experienced WSH or been impacted by WSH” instead.
- **Respect confidentiality:** Do not pose these questions in the presence of your client’s partner, friend, or anyone else who may have accompanied them to the meeting.

  If someone has accompanied your client to the meeting, here are two examples on how to ensure you have a private conversation:

  - Maria (client) and Amy (friend), we have a policy here at this office, that I will first meet with the person whom the appointment is for. I know you (Amy) are an important support person, and I will bring you into the meeting as soon as I am able to.
  - Carlos (friend), we have reached the point in our meeting where I need to meet with Shannon (client) alone. I can take you back to the waiting room, and I will bring Shannon out when we are finished.

Disclosure:

> If your client shares concerning information: Express gratitude for them sharing and discuss their preferences for next steps. (See page 29)
>
> If your client does not share concerning information: Thank them for allowing you to ensure their safety. This reinforces trust and connection. It may also be an opportunity to provide education about WSH and how it is against the law in Canada.

Special considerations to support newcomers virtually

Over the last few of years, and in response to the COVID 19 pandemic, there has been a shift to providing services virtually. Many organizations are now providing a hybrid model of service delivery which includes online and in-person access to supports.

Whenever possible, offer the option for meetings to be conducted both virtually and in person to prioritize the safety and well-being of your client.

When you provide services virtually, it is important to ensure that your clients are informed, comfortable, and safe.

To do so, make sure to take the following into consideration, and actively listen to your clients' responses:

- ☑ Have you discussed the limitations and challenges regarding confidentiality when meeting or communicating virtually?
- ☑ Does the client prefer using technology while working in collaboration with you as a service provider or do they prefer in-person communication?
- ☑ Is the client comfortable with the electronic device they have for accessing virtual services?
- ☑ Does your client have access to safe and affordable internet?
- ☑ Does your client have a secure location to store their electronic device used for sharing information, files, and documents with you? Will the information they share remain confidential and protected in the event of their phone being stolen (e.g., through password protection)? Can anyone else access their email account or text messaging apps?
- ☑ Does your client have a private and confidential physical space for communicating with you via video or phone call? How can you and the client ensure that no one is eavesdropping on the conversation? This could be a significant safety risk to your client.

Strategies for **virtual service delivery:**

1. **Use a secure online platform** to protect client privacy. Let clients know about confidentiality measures to build trust and create a safe space.

2. **Discuss the purpose, limitations, and potential risks** of virtual appointments with clients. Get their consent to engage in remote sessions. Set clear boundaries and ask for their preferred mode of communication.

3. **Encourage clients to find a private and comfortable location** for the session. Remind them they can pause or end the session if they feel triggered. Talk about self-care after the session.

4. **Stay calm and empathetic,** listen actively, and respond reflectively. Non-verbal cues like nodding and eye contact can create connection and support.

5. **Be aware of sensory triggers and accommodate client needs**. Let clients control video settings and provide visual aids or grounding techniques.

6. **Provide information** on virtual resources and support services that can help clients. This includes online support groups, educational materials, and crisis helplines.

Steps after a disclosure of WSH: **What is your role going forward?**

When a client shares concerning information about WSH, it can be hard to know what to do next. Sexual violence and abuse can leave a person with a sense of loss of personal safety and feelings of powerlessness.

You can take this opportunity to support your client by empowering them with knowledge, information, and access to culturally and linguistically sensitive resources. This empowers them to make informed decisions about their own future. Instead of telling them what to do or taking control, offering a range of options allows them to reclaim their own power and autonomy. By respecting their agency and equipping them with tools that align with their needs and values, you foster a client-centered approach that promotes their well-being and self-determination.

Here are some steps you can take:

1. **Start by expressing empathy:** While doing so, avoid making assumptions and let the client guide the conversation.

> "I am sorry to hear this has happened to you. I am here to support you"
>
> "What can I do to help?"
>
> "What would be helpful to you?"

2. **Acknowledge their trust:** Express gratitude for their decision to share information with you and acknowledge their trust in you.
3. **Inform them of their rights:** Follow this up by reassuring your client that they have a right to a safe workplace that is free from workplace sexual harassment. You can say "others who have experienced similar situations have found it helpful to..." as a way to provide the following information and referrals:

(a) Share information or public legal educations resources about the legal options and remedies that are available for those impacted by WSH. Discuss the legal advocacy services available to them where they can get free legal advice and support. Reassure the client that this process will be private and confidential, and no action will be taken without their consent.

(b) Provide the client with information about culturally-aware and linguistically appropriate services, including counseling, shelters (if needed), food banks, etc. Resources can be found on page 37.

4. **Remember, this conversation is to provide information for the client** to think about so they can decide what they want to do. Allow time for decision-making: It is important to allow time for your client to decide what they are comfortable with. Let your client know that they do not have to decide right away.

5. **Offer referral facilitation:** If the client expresses a need, offer to make calls together to gather more information or provide warm referrals. This reassures the client that you will continue to support them throughout the process.
6. **Collaborate with other service providers:** Coordinate service delivery with other service providers, within your organization or externally, to ensure that your clients receive culturally-aware and linguistically appropriate supports to meet their diverse needs.
7. **Encourage documentation:** Encourage your client to start documenting what they are experiencing, including details of the harassment, dates, times, and locations. Explain that documenting helps capture information that can be referred to when needed.

Remember, every situation is unique, and it's crucial to tailor your support to the individual client's needs and preferences.

What to do if you don't have the time for the steps described above:

Sometimes, due to schedule or time constraints, you may need to end the conversation after a disclosure of WSH. How you respond and conclude these conversations is very important to the client and your relationship with them.

It is good practice to let your client know at the beginning of the session how much time you have to support them. Keep track of the time and let them know that the session is coming to an end, usually 15 minutes in advance to allow time for a final check-in to conclude the session. If a disclosure has been made and time is up, make time and close the session properly with a final check-in assessment and put supports in place until the next appointment.

Allow time for client to respond and make appropriate referrals if they are open to it.

"James (client), what you are sharing with me is very important and I want to spend some time talking about safety and supports you need - we have about 15 minutes until my next appointment. I'd like to offer another appointment specifically for us to continue this conversation. How do you feel about that?"

Facilitating a referral to an appropriate service

If you and the client determine that additional support is necessary, it's essential to provide them with referrals to appropriate services. These services may include legal advice, emotional support, counseling, or other resources that may be beyond the scope of your role.

Clients who have experienced WSH may have differing needs for legal and psychosocial support. They may require comprehensive support to help them make informed decisions about their next steps. Providing wraparound support can ensure that clients receive the necessary care and resources to move forward effectively.

Resources for referrals have been shared on page 37.

Special considerations when reporting to the police

If your client decides they want to report to the police, it is important to discuss the possible outcomes in an open and neutral manner, especially where your client's immigration status could put them at greater risk.

The police may share information about your client's immigration status with immigration authorities. If your client has uncertain or precarious immigration status, or if they are in violation of immigration laws, this could result in their arrest, detention, or removal from Canada.

i In these circumstances, encourage your client to seek immigration legal advice before reporting to the police so that they can get the support they need and make an informed choice.

Precarious Immigration Status

Precarious immigration status refers to various forms of less-than-full legal status, such as not having permanent residence; lacking work authorization; depending on a third party for residence or employment rights; having limited or no access to public services and protections available to permanent residents (e.g., healthcare, education, workplace rights); and being at risk of deportation.[14]

Who might have "precarious immigration status"?

People with precarious immigration status in Canada include "documented" but temporary workers, students, and refugee applicants, as well as those whose status has expired, or those who are "undocumented".

Foreign nationals who are undocumented include:

- Individuals who entered on a visitor visa and stayed past its expiry.
- Those who entered the country irregularly, i.e., between official ports of entry.
- Individuals who overstayed their study or work permits without applying to restore status (within allowable time period or applying for a renewal/new permit before its expiry).

It's worth noting that "precarious status" can apply to newcomers who have recently arrived, as well as individuals who have been in Canada for a long time but have become undocumented or lost their status for various reasons. Even "documented" foreign nationals may face enforcement or removal proceedings if they are in violation of immigration laws. This includes but is not limited to:

- Those who have worked or are working while on a visitor visa, and those who have otherwise engaged in unauthorized work in Canada.
- Those who have violated one or more of the terms specified on their work permit (i.e., working at a different location and in a different role than what is specified on their work permit).

14. "Precarious Non-Citizenship Status," Research Alliance on Precarious Status (RAPS), Accessed June 2023, http://www.yorku.ca/raps1/popups/precarious.html

Self-care for service providers

Vicarious trauma, burnout, and compassion fatigue are common experiences for those working with individuals who have experienced workplace sexual harassment.*

- **Burnout** is described as feeling drained and disconnected from those around us. Feeling emotionally exhausted stems from repeated exposure to distressing emotional conditions.
- **Compassion fatigue** is understood as the physical and emotional fatigue or exhaustion that overwhelms a person and causes a decrease in their ability to feel joy or compassion towards others.

Service providers must be aware of the impact that listening to personal stories and details from individuals who have experienced workplace sexual harassment (WSH) can have. It's important to recognize that no service provider is completely immune to feeling the emotional pain of those they work with, and this can have long-lasting effects.

Workplaces are encouraged to adopt a trauma-informed approach, valuing staff wellness and taking steps to create a safe environment. This can be achieved by supporting open and respectful communication, providing clear job descriptions, establishing boundaries through tools and processes, and modeling collaboration as a team.

We encourage service providers to pay attention to themselves, their inner thoughts, energy level, and attitude while at work.

If you feel overwhelmed, you can take some of the following steps to take care of yourself:

- Engage in activities that **support a balance** between your work and your personal self.
  - Find enjoyable physical activities, participate in team sports, or spend time in nature.
  - Be mindful of maintaining healthy and balanced eating habits.
  - Strive to maintain regular work hours and avoid checking work emails outside of work whenever possible.
  - Make time for rest and rejuvenation.
  - Establish a healthy sleep routine and unwind after work.
- **Debrief after** encountering stressful and emotional disclosures from clients. It's important to have someone capable of supporting you during this process. Your agency may have specific support plans or an Employee Assistance Program (EAP) available to you.
  - While debriefing, it is important to be aware of the impact on your colleagues and their capacity to support you.
- Consider seeking your own **therapeutic supports.**
- **Foster deeper connections** within yourself, with those around you, or with a spiritual or religious community.

*For a definition of vicarious trauma, see page 5 of this toolkit.

Conclusion

In this toolkit, we shared some of the most effective strategies for supporting clients affected by workplace sexual harassment.

We discussed the importance of intersectionality and cultural humility, and acknowledged the ways in which our own identities and cultural backgrounds influence our everyday interactions, decision-making, and service delivery.

With this understanding in mind, the toolkit gave an overview of trauma and its effects, along with practical tools and strategies for addressing trauma that can be incorporated into our daily work. Our hope is that this resource will enhance your skills and confidence in supporting newcomers who have experienced workplace sexual harassment.

Ultimately, we believe that this toolkit can make a meaningful contribution to creating safer and more respectful workplaces for all individuals, particularly those who have been impacted by workplace sexual harassment.

Thank you for engaging with this important topic and for your commitment to promoting equity and dignity in the workplace.

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Legal resources for clients

Migrant Workers Centre Respect at Work Legal Clinic

Provides free legal advice for newcomers to Canada in BC who have faced or are facing workplace sexual harassment.

604-404-1931
respectatwork@mwcbc.ca
mwcbc.ca/workplace-sexual-harassment

SHARP (Sexual Harassment Advice, Response, and Prevention) Workplaces Legal Clinic (CLAS BC)

Provides up to five hours of free legal advice to anyone who has experienced workplace sexual harassment.

604-673-3143 or 1-888-685-6222
SHARPWorkplaces@clasbc.net
clasbc.net/get-legal-help/sexual-harassment-in-the-workplace

Workers' Advisers Office

Provides workers, their dependants and other stakeholders with free advice, assistance, representation, training and mentoring with respect to workers' compensation issues.

1-800-663-4261
gov.bc.ca/workersadvisers

Law Students' Legal Advice Program (LSLAP)

Provides free legal advice and representation (by supervised law students) in the Lower Mainland for low-income people at all stages of the human rights process.

604-822-5791
lslap.bc.ca

Community Legal Assistance Human Rights Clinic (CLAS)

Provides free summary advice, 1-2 hours of legal assistance, or legal representation for some qualifying human rights claims. To qualify you must have already filed a complaint which has been accepted by the BC Human Rights Tribunal and be unable to obtain assistance from other sources.

1-855-685-6222 *(Inquiry Line)*
infobchrc@clasbc.net
bchrc.net/services/legal-services

You can also find advocates across BC by using PovNet's "Find an Advocate" Tool, available online: povnet.org/find-an-advocate

Resources for victims & survivors

Ending Violence Association of BC:

To find information about programs served by EVA BC that provide support to anyone experience sexualized violence including Community-Based Victim Services (CBVS), Stopping the Violence (STV) Counselling, STV Outreach, Multicultural Outreach and Sexual Violence programs, see the service directory below.

endingviolence.org/services-directory

Moving Forward Family Services

Moving Forward provides counselling to anyone who needs it in Canada via in-person, online, and over the phone. They offer free short-term and affordable long-term counselling options in multiple languages. They also have peer-support groups.

877-485-5025

www.movingforward.help

Crisis Lines BC

Provide toll-free access to emotional support, information and resources specific to mental health.

crisislines.bc.ca/services

VictimLinkBC

Provides confidential support that is available across BC and Yukon. Anyone can get help with safety planning and services in over 150+ languages, 24 hours a day, 7 days a week.

1-800-563-0808

VictimLinkBC@bc211.ca

604-875-0885 *(TTY)*

www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/victimlinkbc

Battered Women's Support Services (BWSS)

Any woman who has experienced abuse in an intimate relationship, childhood sexual abuse or adult sexual assault may access BWSS services.

1-855-687-1868

bwss.org/support

Healing in Colour

A directory of BIPOC (Black, Indigenous, People of Colour) therapists who are committed to supporting BIPOC.

healingincolour.com

HeretoHelp

A project of the BC Partners for Mental Health and Substance Use Information, this site provides information on whether to find free or low-cost counselling.

heretohelp.bc.ca/q-and-a/where-can-i-find-free-or-low-cost-counselling

Affordable Therapy Network

A directory of therapists who offer low-cost & sliding scale rates for in-person or online therapy.

affordabletherapynetwork.com/vancouver

Appendices

15. Hannah S. Scott, "Extending the Duluth Model to Workplace Bullying: A Modification and Adaptation of the Workplace Power-Control Wheel," Workplace Health & Safety 66, no. 9 (2018): 444–52, https://doi.org/10.1177/2165079917750934

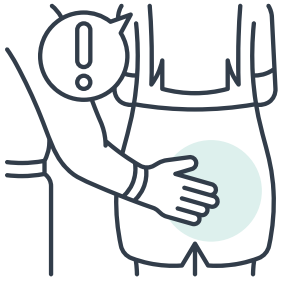
16. "Social Identity Wheel," Inclusive Teaching, https://sites.lsa.umich.edu/inclusive-teaching/social-identity-wheel/

17. "Cultural Competence Self-Assessment Checklist" (Nanaimo: Central Vancouver Island Multicultural Society, 2011).

18. "Gender Unicorn," Trans Student Educational Resources, https://transstudent.org/gender/

Appendix A
Background reading: workplace sexual harassment (WSH) in Canada

Workplace sexual harassment (WSH) is a prevalent and concerning issue in Canada, with numerous studies highlighting its widespread occurrence. According to a national survey conducted in 2017 by Abacus Data, approximately 53% of adult women in Canada, primarily those under 45 years old, have experienced unwanted sexual pressure. The survey further reveals that women between the ages of 30 and 44 are particularly susceptible, with 64% confirming the existence of workplace sexual harassment in their workplaces.[19]



Supporting these findings, Statistics Canada data from August 2021 indicates that 25% of women and 17% of men reported experiencing sexual harassment in the workplace within the previous year.[20] A 2022 study by Western University's Centre for Research and Education on Violence Against Women and Children found that, within two years, 43.9% of participants had experienced at least one behaviour or practice of sexual harassment and violence at work.[21]

A 2018 survey by Angus Reid revealed that more than half of Canadian women (52%) have encountered workplace sexual harassment at some point in their lives, with 28% disclosing that they had experienced non-consensual sexual touching or assault in the workplace.[22] In considering the statistics for sexual assault, it is important to note that this figure is based on self-reported data, and that sexual assault is widely considered to be the most underreported violent crime.

19. Bruce Anderson, "Abacus Data: Sexual Harassment of Women Is Widespread in Canada," Abacus Data | Sexual Harassment of Women is Widespread in Canada, November 1, 2017, https://web.archive.org/web/20220407103130/https://abacusdata.ca/sexual-harassment-of-women-is-widespread-in-canada/
20. Marta Burczycka, "Workers' Experiences of Inappropriate Sexualized Behaviours, Sexual Assault and Gender-Based Discrimination in the Canadian Provinces, 2020," Statistics Canada, August 12, 2021, https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00015-eng.htm
21. Barb MacQuarrie, Adriana Berlingieri, and Sandy Welsh, "Harassment and Violence in Canadian Workplaces: It's [Not] Part of the Job" (London, ON: Western University Centre for Research and Education on Violence against Women and Children (CREVAWC), 2022), https://canadianlabour.ca/wp-content/uploads/2022/08/HV_Summary_EN.pdf
22. "#Metoo: Moment or Movement?," Angus Reid Institute, February 9, 2018, angusreid.org/me-too/

WSH negatively affects the work environment and leads to negative job-related consequences. For clients, the consequences of WHS are real and can include ongoing victimization, fear of retaliation, increased stress, psychological and physical harm, missed work, and the possibility of long-term effects such as Post-Traumatic Stress Disorder (PTSD). Discussing sexual violence is not easy for anyone, and this is particularly so when it occurs in the workplace where it can impact one's livelihood.

According to a 2014 Angus Reid Poll, the vast majority (80%) of respondents who indicated that they had been sexually harassed at work said that they never reported it to their employer. Reasons for not reporting included the fear of not being believed, the belief that the issue was too minor, and the fear of job loss.[23] Many factors can deter individuals from disclosing or reporting incidents of WSH. These barriers include a lack of awareness about their rights to a safe workplace and the processes available to seek help.

Newcomer, immigrant, and racially marginalized women are particularly vulnerable to various forms of victimization, inappropriate sexualized behaviors, and workplace discrimination, especially in lower-paying and non-traditional jobs.[24] The barriers to disclosing and reporting WSH are further exacerbated by these systemic factors, including a lack of knowledge about legal rights and available resources and lack of support systems for seeking assistance.

What does **WSH look like?**

Verbal:

- Making sexualized comments about someone's gender, gender identity, appearance, clothing, or body parts
- Whistling or catcalling someone
- Asking someone repeatedly to go on dates
- Misgendering and using incorrect pronouns

Non-verbal:

- Making inappropriate sexual gestures
- Sharing sexually inappropriate images, videos, pictures, texts with co-workers and others
- Giving personal gifts, staring up and down, leering
- Using technology e.g., email, phone, and other messaging platforms to harass

Physical:

- Unwanted hugging, touching, violating personal space, and forced contact
- Sexual assault

23. "Three-in-Ten Canadians Say They've Been Sexually Harassed at Work, but Very Few Have Reported This to Their Employers " (Angus Reid Institute, 2014), https://angusreid.org/wp-content/uploads/2014/12/2014.12.05-Sexual-Harassment-at-work.pdf

24. Women's Legal Education and Action Fund (LEAF). (2013). Submission to the Standing Committee on the Status of Women Study of Sexual Harassment in the Federal Workplace. https://www.leaf.ca/submission/submission-sexual-harassment-federal-workplace/

For better understanding the impact of microaggressions, you can watch this video: *"How microaggressions are like mosquito bites · Same Difference"* youtube.com/watch?v=hDd3bzA7450

WSH can be physical, verbal, non-verbal, and show up in attitudes. It can also result from a pattern of behaviour that is sexual nature and made up of inherently subtle small incidents, or "microaggressions", which when repeated over time create a toxic workplace culture.

While the harasser may not intend to be harmful, intention is not relevant to deciding whether someone's conduct amounts to WSH.

Clients who are newcomers can often experience workplace sexual harassment together with other forms of discrimination. For instance, consider a woman who recently immigrated to Canada and belongs to a racially marginalized group. She may face sexual harassment based on both her gender and her race. It is possible that there are limited support services that fully comprehend her racial or immigrant background. Moreover, the harassment she endures may be influenced by racial stereotypes and the hypersexualization of her body due to her race. It is often challenging for people to recognize the compounding impact of experiencing multiple forms of violence, harassment, and discrimination based on our multiplicity of identities.

To gain a better understanding of the dynamics that contribute to WSH, please refer to the Workplace Power-Control Wheel in Appendix B on page 44.[25] This resource provides insights into the tactics used by individuals to sexually harass others.

Right to a safe workplace:

Let's begin by identifying the harasser. The harasser can be anyone in the workplace, including the employer, an employee, a co-worker, a volunteer, a contractor, or even a customer. WSH can occur at any time and can be perpetrated by anyone in the workplace. Similarly, WSH can affect anyone in the workplace. It is not about romantic relationships gone wrong, as people often assume, but rather it is about the abuse of power and privilege in work relationships. Those who are most vulnerable to experiencing WSH are people from racially marginalized backgrounds, individuals with disabilities, LGBTQ2SIA+ individuals, newcomers, and other marginalized groups. Employers have a responsibility to ensure a safe and violence-free work environment for their employees. This responsibility extends to both on-site work hours and off-site work-related activities, such as after-work dinner parties or offsite training sessions.

Employers are obligated to provide a safe workplace, and these requirements are outlined in the *BC Workers' Compensation Act,* the *Occupational Health and Safety Regulations* and the *Human Rights Code*. Additionally, the *Workers' Compensation Act* Policy P2-21-2 requires that all workplaces have an internal policy explicitly stating that bullying, harassment, including WSH, will not be tolerated.[26] It is the employer's duty to take preventive measures against WSH, establish and communicate clear reporting procedures, and promptly investigate and resolve complaints of WSH. Employees also have responsibilities in maintaining safe workplaces, and the *Workers' Compensation Act* requires workers to take reasonable steps to protect health and safety of themselves and others.

25. Scott, "Extending the Duluth Model to Workplace Bullying"
26. "Policy Item P2-22-1 Worker Duties - Workplace Bullying and Harassment," WorkSafeBC, April 22, 2021, worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-policies/policies-for-the-workers-compensation-act#SectionNumber:P2-22-1

Legal options and remedies

Clients who are impacted by workplace sexual harassment (WSH) have various legal options to consider. It's important to understand the advantages and disadvantages of each option. A lawyer can provide guidance in understanding these options.

Here are some examples of the legal options:

- The **BC Human Rights Tribunal** hears WSH claims of discrimination based on sex, gender identity, gender expression, and sexual orientation. Possible remedies include compensation for lost wages and expenses, compensation for injury to dignity and self-respect, job reinstatement, and an order for the employer to implement a policy or complete training.
- **WorkSafe BC** is responsible for preventing workplace health and safety risks and compensating workers injured on the job. If a client experiences WSH, such as repeated homophobic bullying, they may be entitled to compensation for lost wages or access to health and rehabilitation services.
- Clients can also file civil claims in the **BC Provincial Court** or **Supreme Court** for breach of contract or personal injury within 2 years of when the WSH occurred. Seeking the assistance of a lawyer with these cases is recommended.
- In cases where WSH constitutes a crime (e.g., sexual assault, criminal harassment, threats, stalking), reporting to the police is also an option.

The deadlines for accessing remedies vary depending on the option chosen. It's important to note that clients may have additional legal options, beyond what is discussed above, based on their specific circumstances.

As noted above, employers are expected to have a clear and accessible internal policy regarding WSH and bullying. Clients should know their rights, whom to contact if they experience WSH, and where to report and make a formal complaint. Employers and management should also be prepared and trained to handle disclosures and reports of WSH and bullying.

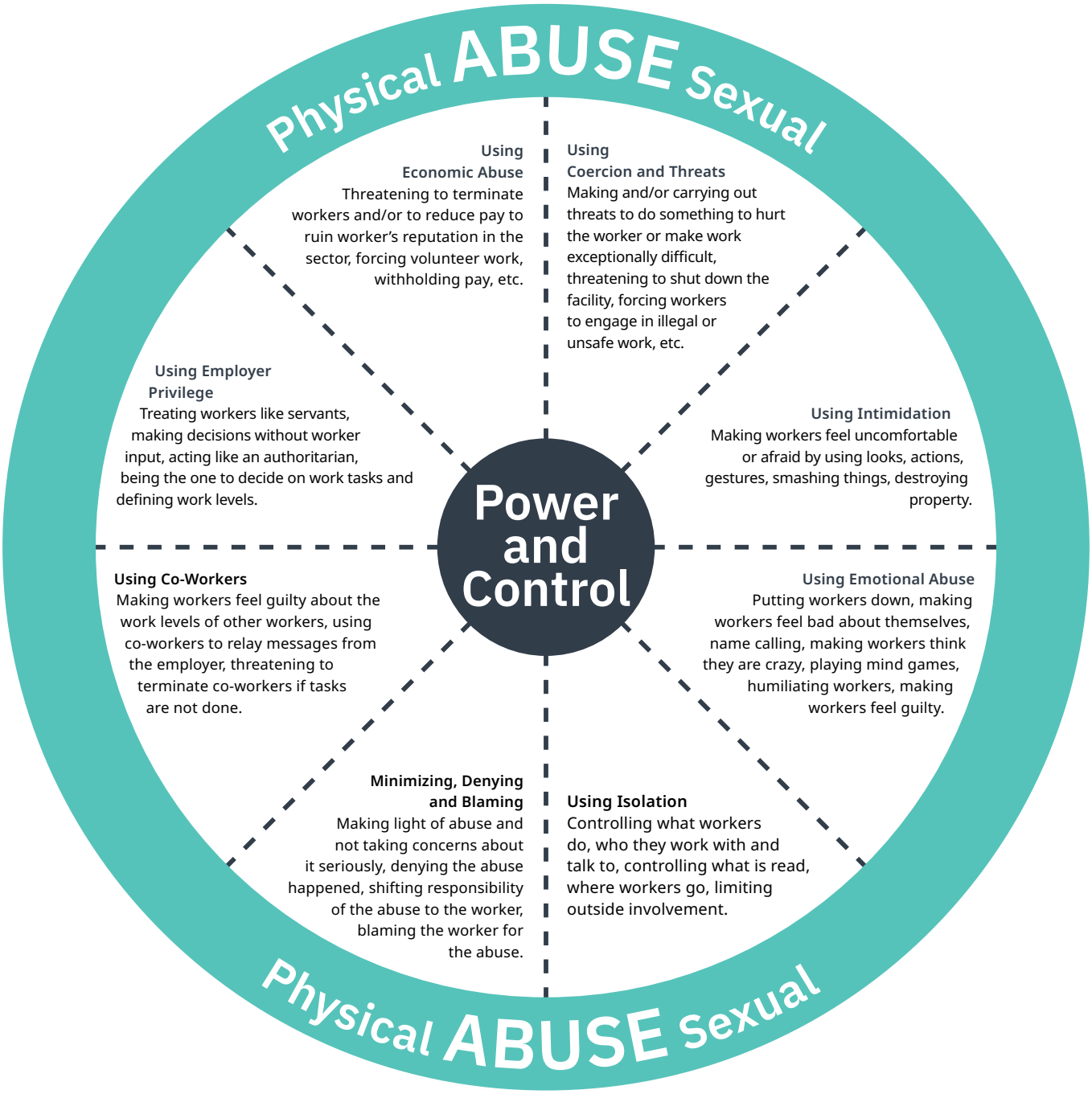
Immigration remedies

In British Columbia, all workers, regardless of their immigration status, are entitled to legal protections. If your client is not a permanent resident or citizen of Canada and is concerned about the impact of filing a complaint on their immigration status, they should consult with an experienced immigration lawyer. Depending on their current immigration status an, or lack of documentation, there may be options for them to obtain documentation – such as an **open work permit for vulnerable workers (VWOWP)** or a **temporary resident permit for victims of trafficking in persons (VTIP TRP)** – that would allow them to leave the abusive employer, seek out another job, and access benefits. For additional information on WSH, you can read the Respect at Work Legal Clinic's booklet.*

*See the Respect at Work Legal Clinic booklet at: mwcbc.ca/wp-content/uploads/2023/06/Respect-at-Work-Legal-Clinic-Booklet.pdf

Appendix B
Workplace Power-Control Wheel

WSH is not only about sex or sexual desire. It is about power, and a desire for power over another. This tool provides examples of tactics that employers can use to exert control over their employees. All of these examples can have an element of WSH.



Appendix C
Social Identity Wheel

Adapted from University of Michigan LSA Inclusive Teaching, https://sites.lsa.umich.edu/inclusive-teaching/social-identity-wheel/.

Understanding your social identity as a service provider is essential for culturally sensitive and trauma-informed practice. The Social Identity Wheel is a useful activity to gain self-awareness about one's identity, because it prompts us to reflect on how various aspects of our social identities shape our perspectives and experiences. Share what you feel comfortable and safe discussing. There is no pressure to fill in every box.

Appendix D
Cultural Competence Self-Assessment Checklist

Adapted from Cultural Competence Self-assessment Checklist. Central Vancouver Island Multicultural Society. (2012, September 19). cvims.org

This self-assessment tool is designed to explore individual cultural competence.

The checklist looks at your general skills, knowledge, and awareness pertaining to culture in the world around you—not necessarily specific to your role as a service provider. It is important to understand your history and experiences pertaining to people with different cultural backgrounds so answer these questions as honestly as you can.

Please note the term 'culture' includes race, ethnicity and ancestry, but also the culture *(e.g. beliefs, common experiences and ways of being in the world)* shared by people with characteristics in common. It's important to consider that many of the interpersonal skills you've developed during your lifetime through your interactions with people from differing cultural backgrounds are transferable and can be applied across various settings.

Directions:

Read each entry and place a check mark in the appropriate column that best represents your opinion.

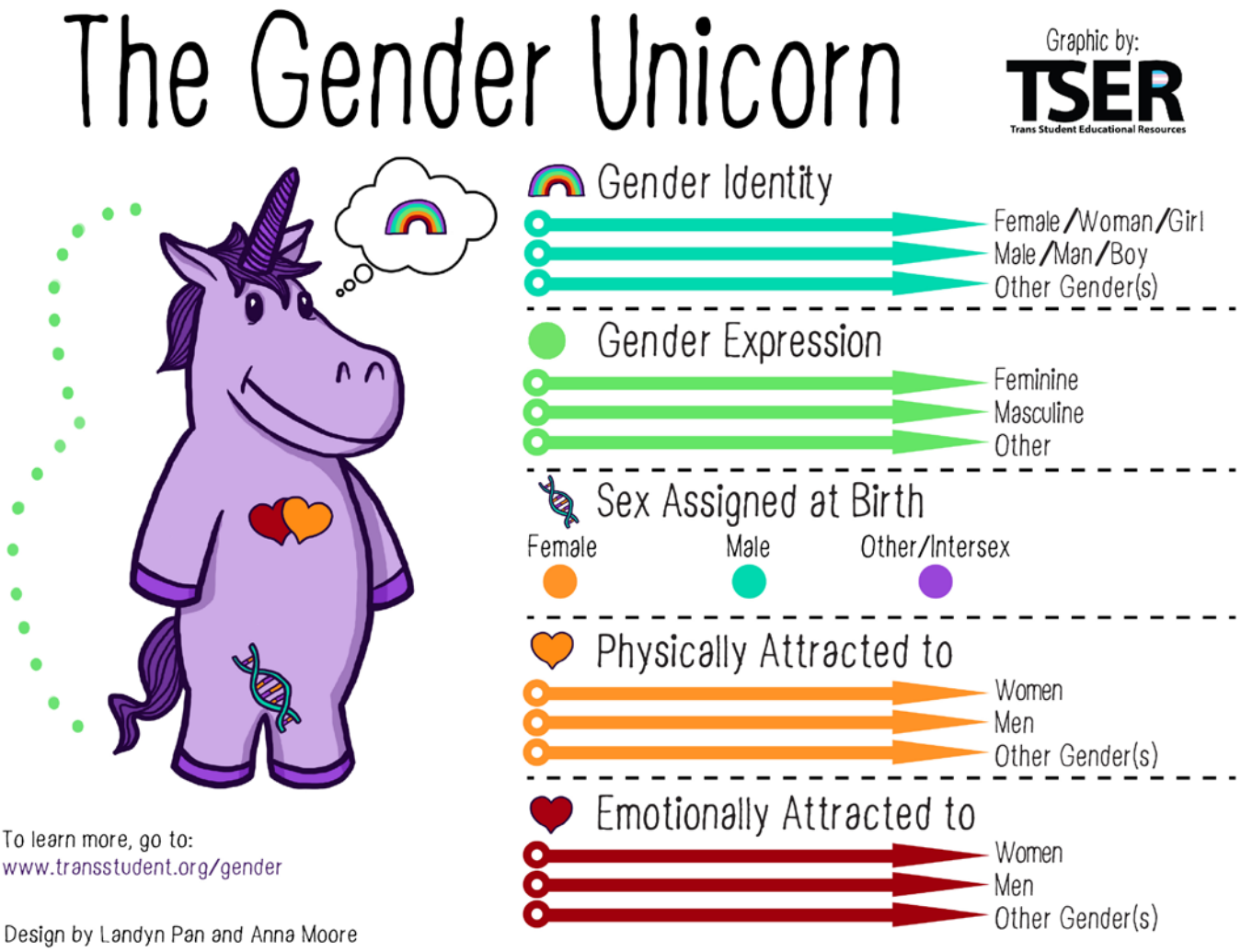
Awareness		Never	Sometimes/ Occasionally	Fairly Often/ Pretty Well	Always/ Very well	Not Applicable
Value Diversity	I view difference as positive and a reason to celebrate.					
Know myself	I have a clear sense of my own ethnic, cultural and racial identity.					
Share my culture	I am aware that in order to learn more about others I need to understand and be prepared to share my own culture.					
Be aware of areas of discomfort	I am aware of my discomfort when I encounter differences in race, color, religion, sexual orientation, language, and ethnicity.					
Check my assumptions	I am aware of the assumptions that I hold about people of cultures different from my own.					
Challenge my stereotypes	I am aware of my stereotypes as they arise and have developed personal strategies for reducing the harm they cause.					
Reflect on how my culture informs my judgement	I am aware of how my cultural perspective influences my judgement about what are 'appropriate', 'normal', or 'admirable' behaviors, values, and communication styles.					
Accept ambiguity	I accept that in cross cultural situations there can be uncertainty and that can cause uneasiness.					
	I take the time needed to get more information in cross cultural situations.					
Be curious	I take any opportunity to put myself in places where I can learn about difference and create relationships.					
Aware of racial privilege	I am aware that having "racial privilege" means one's race does not create barriers to goal attainment or justice.					
	Those who are perceived as having racial privilege may also be perceived as having certain advantages and benefits when compared to those who are perceived as not having racial privilege.					
		1 pt x	2 pt x	3 pt x	4 pt x	

Knowledge					
Gain from my mistakes	I will make mistakes and will learn from them.				
Assess the limits of my knowledge	I recognize that my knowledge of certain cultural groups is limited and will commit to creating opportunities to learn more.				
Ask questions	I will really listen to the answers before asking another question.				
Acknowledge the importance of difference	If I am working with a person of a different culture, ethnicity, etc. I understand that I may be perceived as a person with different degrees of power or privilege, and that I may not be seen as 'unbiased' or as an ally.				
Know the historical experiences of non-European Americans	I am knowledgeable about historical incidents in America's past that demonstrate racism and exclusion towards Americans of non-European heritage (e.g. the Japanese internment, slavery, Jim Crow, Islamophobia...).				
Understand the influence culture can have	I recognize that cultures change over time and can vary from person to person, as does attachment to culture.				
Commit to life-long learning	I recognize that achieving cultural competence involves a commitment to learning over a life-time.				
Understand the impact of racism, sexism, homophobia...	I recognize that stereotypical attitudes and discriminatory actions can dehumanize and even encourage violence against individuals because of their membership in groups which are different from myself.				
Know my own family history	I know my family's story of immigration and assimilation into America.				
Know my limitations	I continue to develop my capacity for assessing areas where there are gaps in my knowledge of other cultures.				
		1 pt x	2 pt x	3 pt x	4 pt x

Skills					
Adapt to different situations	I am developing ways to interact respectfully and effectively with individuals and groups.				
Challenge discriminatory and/or racist behavior	I can effectively intervene when I observe others behaving in a racist and/or discriminatory manner.				
Communicate across cultures	I am able to adapt my communication style to effectively interact with people who speak in ways that are different from my own.				
Seek out situations to expand my skills	I seek out people who challenge me to maintain and increase the cross-cultural skills I have.				
Become engaged	I am actively involved in initiatives, big or small, that promote understanding among members of diverse groups.				
Act respectfully in cross-cultural situations	I act in ways that demonstrate respect for the culture and beliefs of others.				
Practice cultural protocols	I am learning about and put into practice the specific policies and procedures related to culture which are necessary for my work.				
Act as an ally	My colleagues who are of a different ethnicity than I am consider me to be an ally and know that I will support them in culturally appropriate ways.				
Be flexible	I work hard to understand the perspectives of others and consult with my diverse colleagues about culturally respectful and appropriate courses of action.				
Be adaptive	I know and use a variety of relationship building skills to create connections with people who are different from me.				
		1 pt x	2 pt x	3 pt x	4 pt x

Appendix E
Gender Unicorn

We recommend going to the transstudent.org/gender to see how you can fill out your own Gender Unicorn to explore gender identity, gender expression, sex assigned at birth, and sexual orientation.



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Migrant Workers Centre is a non-profit organization that works to promote and advance access to justice for migrant workers by providing legal services, advocacy, research, public education and engaging in law and policy reform initiatives.