

BE CODE SMART

The best way to protect yourself from discrimination and from complaints is to know and respect **The Saskatchewan Human Rights Code.**



SASKATCHEWAN
HUMAN RIGHTS
COMMISSION

Sexual Harassment and Human Rights

The Saskatchewan Human Rights Commission receives and investigates complaints of discrimination. It is not a prosecutorial process. The Commission conducts a neutral investigation and, when appropriate, refers the matter for hearing at the Court of Queen's Bench.

The Commission also engages in Systemic Advocacy when groups of people in Saskatchewan are facing a similar issue that falls under *The Saskatchewan Human Rights Code*.

When might a human rights complaint arise in the context of sexual harassment?

The Saskatchewan Human Rights Code protects the right to equality without discrimination based on the protected grounds. Sex is a protected ground.

The *Code* does not apply to all relationships or activities. It does, however, prohibit discrimination within the following areas, and would apply to sexual harassment that occurs in the context of those activities:

- Professional trades and associations
- Trade unions
- Education
- Contracts
- Employment & occupations
- Rental housing
- Public services
- Purchase of property
- Publications

How does the Saskatchewan Human Rights Commission define sexual harassment?

Sexual harassment is a form of discrimination that takes the form of unwelcome sexual conduct that interferes with rights guaranteed by the *Code*.

Sexual harassment may be verbal, physical or visual. It may be one incident or a series of incidents. It is always unsolicited and unwelcome behaviour, and can take many forms, including but not limited to:

- sexual remarks
- “jokes” with sexual overtones
- a sexual advance or invitation
- displaying offensive images or photographs
- threats
- leering
- physical contact like touching, patting, pinching, or brushing against
- sexual and physical assault

Sexual harassment is an expression of power. It may be accompanied by threats, promises or abuse. The harasser is usually someone in authority using power to intimidate. Most sexual harassment occurs in the workplace. The employee often hesitates to complain for fear of reprisal or economic consequences.

The *Code* does not rule out office romance, flirtation, or good-natured jesting that is accepted by both parties. Sexual harassment refers only to unwelcome behaviour which the harasser knew, or should have known, would be unwanted.

Interpreting Sexual Harassment

Each person and gender may perceive sexual harassment differently. Because of the difference in interpretation, and the fact that sexual harassment affects genders differently, it is important to interpret sexual harassment as any behavior the person experiencing it perceives as offensive.



SASKATCHEWAN HUMAN RIGHTS COMMISSION

Effect of Sexual Harassment in the Workplace

Many survivors of sexual harassment feel humiliated, ashamed, degraded, embarrassed, and angry. Sexual harassment can impair job performance, decrease job satisfaction, and cause headaches, nervousness, insomnia and anxiety attacks.

When employees have to spend time and energy dealing with sexual harassment it takes time and energy away from the job. Sexual harassment often leads to absenteeism and high staff turnover.

How can employers prevent sexual harassment in the workplace?

It's up to the employer to provide a discrimination free workplace. Whether they are aware of sexual harassment or not, employers may be held responsible for the actions of management and supervisory personnel, and for harassment by non-supervisory personnel, except in certain circumstances

For example, if an employee harasses another employee, and the employer knows about it but doesn't intervene, the employer may also be at fault.

Tools to build a discrimination-free workplace:

- establishing a code of conduct
- establishing an anti-harassment policy
- making sure all employees know the policy by posting it, putting it in memo form, or in the company newsletter
- setting up a confidential complaint process for employees experiencing sexual harassment
- letting employees know that penalties will follow sexual harassment, including written or verbal reprimands, suspension, and termination
- establishing a monitoring system.

What can someone experiencing sexual harassment in the workplace do?

- Tell the harasser to stop. Make it clear that the behaviour is unwelcome and must stop immediately. It can be verbal, written, or both.
- Tell the harasser's supervisor. Employers have a responsibility to protect employees from sexual harassment. Insist they take action.
- Tell the union. If there is union, tell the steward, file a grievance, and ask for an anti-sexual harassment clause in the collective agreement.
- Talk about it with others. It helps to talk to a trusted friend or co-worker. There may be others that have experienced something similar.
- Write it down. Note each action or remark, and the date, time, place and names of witnesses.
- Contact the Saskatchewan Human Rights Commission. Any form of retaliation due to filing a complaint is prohibited by the Code.

How is a human rights complaint initiated with the Saskatchewan Human Rights Commission?

Typically, a complaint is initiated by filing an intake questionnaire which can be found online. A complainant may also contact our office by mail, telephone, or email and explain the situation to an intake consultant to begin the intake process.

What is the limitation period?

Section 27(5) of the Code requires a complaint to be filed within ONE YEAR of the events giving rise to the complaint. This may be extended at the discretion of the Chief Commissioner pursuant to section 27(6).

Saskatchewan Human Rights Commission

P.O. Box 6011
Saskatoon SK S7K 4E4

PHONE
306-933-5952
FAX
306-933-7863

TOLL FREE
1-800-667-9249

EMAIL
shrc@gov.sk.ca
WEB
www.saskatchewanhumanrights.ca