

Harassment as a form of discrimination



Alberta Human Rights
and Citizenship Commission

INFORMATION SHEET

What is harassment?

Harassment occurs when someone is subjected to unwelcome verbal or physical conduct.

Harassment is a form of discrimination which is prohibited in Alberta in the *Human Rights, Citizenship and Multiculturalism Act* under the following **grounds**:

- Race
- Religious beliefs
- Colour
- Gender
- Physical or mental disability
- Age
- Ancestry
- Place of origin
- Marital status
- Source of income
- Family status
- Sexual orientation

Unwanted physical contact, attention, demands, jokes or insults are harassment when they occur under any of the **areas** protected in the *Human Rights, Citizenship and Multiculturalism Act*. These areas are publications, notices, signs and other public representations; accommodations, goods services and facilities customarily available to the public; tenancy; employment practices including job applications and advertisements; membership in trade unions, employers' organizations or occupational associations.

Discrimination has occurred if:

- someone is refused a job, promotion or a training opportunity because of resistance to harassment based on any of the grounds listed above;
- someone is refused a place to live or denied services normally provided to members of the public based on any of the grounds listed above;
- the harassment causes an unfavourable influence on decisions affecting job performance; or
- the harassment is insulting or intimidating.

The onus is on the person experiencing the harassment to inform the harasser that the behaviour is unwelcome.

Examples of harassment

Verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts about appearance or beliefs.

The display of pornographic, racist or offensive images. Practical jokes that result in awkwardness or embarrassment. Unwelcome invitations or requests, either indirect or explicit.

Intimidation, leering or other objectionable gestures; condescension or paternalism that undermines self-confidence, unwanted physical contact such as touching, patting, pinching or punching are all examples of harassment. Harassment can also be outright physical assault.

Workplace harassment

In Alberta, the *Human Rights, Citizenship and Multiculturalism Act* protects employees against harassment in and away from the workplace, if harassment is based on one of the above listed grounds, where the incidents occur in connection with the employment.

When a supervisor harasses an employee, it is an abuse of authority and the employer may be held responsible. It is inappropriate behaviour that may deny equal employment opportunity to the employee who is harassed.

When a co-worker harasses another employee, the employer may be held responsible.

Harassment is not new. What is new is a growing awareness of this serious problem in the workplace. Harassment can prove costly to employers through lost productivity, lost time through stress-related illnesses, frequent staff turnover and lowered staff morale.

Race and religious harassment


Derogatory comments, taunts, threats, jokes, teasing or jeering about race, colour, national or ethnic origins, or about adornments and rituals associated with cultural or religious beliefs: these are all forms of harassment, when they occur in the areas protected under the *Act*.

Employers are legally responsible for actively discouraging and prohibiting humiliating conduct or language that results in one employee's working conditions being less favourable than another's.

Sexual harassment

This is a form of discrimination under the *Human Rights, Citizenship and Multiculturalism Act* on the grounds of gender. Sexual harassment is unwelcome sexual conduct. It includes any of the harassment examples listed above which are of a sexual nature.

Behaviour which is acceptable to both parties involved, such as flirtation, chit-chat or good-natured jesting, would not be considered sexual harassment.

While sexual harassment can happen to either gender, most of its victims are women. (See Information Sheet titled *Sexual harassment*.) 

Contact the Commission

For more information, please contact the **Alberta Human Rights and Citizenship Commission**. We are an independent commission of the Government of Alberta. Our mandate is to foster equality and reduce discrimination. We provide public information and education programs, and help Albertans resolve human rights complaints.

Northern Regional Office

800 Standard Life Centre

10405 Jasper Avenue

Edmonton, Alberta T5J 4R7

(780) 427-7661 Confidential Inquiry Line

(780) 427-6013 Fax

Southern Regional Office

Suite 310, 525 – 11 Avenue SW

Calgary, Alberta T2R 0C9

(403) 297-6571 Confidential Inquiry Line

(403) 297-6567 Fax

To call toll-free within Alberta, dial 310-0000 and then enter the area code and phone number.

For province-wide free access from a cellular phone, enter *310 (for Rogers-AT&T) or #310 (for Telus).

TTY service for persons who are deaf or hard of hearing

(780) 427-1597 Edmonton

(403) 297-5639 Calgary

1-800-232-7215 Toll-free within Alberta

E-mail humanrights@gov.ab.ca

Web site www.albertahumanrights.ab.ca

Please note: A complaint must be made to the Alberta Human Rights and Citizenship Commission within one year after the alleged incident.

The *Human Rights, Citizenship and Multiculturalism Education Fund* has provided funding for this publication.