

INFORMATION SHEET

What is sexual harassment?

Sexual harassment is any unwelcome behaviour, sexual in nature, that adversely affects, or threatens to affect, directly or indirectly, a person's job security, working conditions or prospects for promotion or earnings; or prevents a person from getting a job, living accommodations or any kind of public service.

Sexual harassment is usually an attempt by one person to exert power over someone else. It can be perpetrated by a supervisor, by a co-worker, by a landlord or a service provider.

Sexual harassment is discrimination on the ground of gender and is prohibited in Alberta's *Human Rights, Citizenship and Multiculturalism Act* and under every other human rights legislation in Canada.

Sexual harassment is unwanted, often coercive, sexual behaviour directed by one person toward another. It is emotionally abusive and creates an unhealthy, unproductive atmosphere in the workplace.

Sexual harassment violations are among the most frequent complaints received by human rights agencies, and the most costly for employers who fail to have effective policies or do not treat such complaints from their employees or customers and clients seriously.

Who is affected?

Males and females can both experience sexual harassment. Females can be sexually harassed by males, and men can be sexually harassed by women. Same-gender harassment (male to male or female to female) can also occur.

What constitutes sexual harassment?

Sexual harassment can be expressed in many ways, from very subtle to most obvious, through any of the following:

- suggestive remarks, sexual jokes or compromising invitations
- verbal abuse
- visual display of suggestive images
- leering or whistling
- patting, rubbing or other unwanted physical contact
- outright demands for sexual favours
- physical assault

Sexual harassment and workplace romance

Mutually acceptable workplace flirtation is not sexual harassment.

Who is legally responsible?

The Supreme Court of Canada has decided that in cases of proven sexual harassment, employers are responsible for the actions of their employees.

Lack of awareness by management does not necessarily eliminate this liability.

Employer responsibilities

In Alberta, employers are responsible for maintaining a work environment free from sexual harassment for all employees, customers and clients.

A supervisor who neglects to follow up on a complaint of sexual harassment may be liable under the *Human Rights, Citizenship and Multiculturalism Act* for failing to take prompt and appropriate action.

Having an effective policy on sexual harassment in place can decrease an employer's liability in the event of a complaint being filed. Prompt and appropriate action on sexual harassment complaints can reduce an employer's liability still further.

Sexual harassment policy development

Commission staff are available to consult with employers on the development of policies to deal with sexual harassment in the workplace.


Seminars are provided on request to help employers, management and employees understand the rights and responsibilities behind any effective policy against sexual harassment.

What to do about sexual harassment

Anyone who believes he or she has been sexually harassed should first make it clear to the offender and/or to a person in authority that such action has occurred and is unwanted. Employees who are harassed may also wish to contact their union or employee association.

If the behaviour persists, or corrective action is not taken, a complaint may be filed with the Alberta Human Rights and Citizenship Commission. This must be done within one year of the alleged incident or the Commission does not have the authority to investigate.

For the purposes of later investigation, a record should be kept of when the alleged incidents occurred, the nature of the behaviour, the names of any witnesses and any other information relevant to the investigation.

It is against the law to retaliate against anyone who has made a complaint of discrimination in good faith or who has given evidence in support of or against a complaint. 

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.