Sexual Harassment Quiz



QUESTION

What is quid pro quo?

ANSWER

“Quid pro quo” is the Latin meaning for “this for that” or in the workplace “a favor for a favor”. An example of this is when a supervisor, or someone in authority, or more senior to you, implies that your work situation will favorably improve if you were to submit to his/her unwelcome sexual advances. This is a serious abuse of authority and is illegal whether you refuse or submit to his or her sexual demands.

WHY IS IT RIGHT

1. Sexual Harassment

The *Canada Labour Code* defines sexual harassment as any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any employee; or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

2. Who is entitled to protection from sexual harassment

Under the *Canada Labour Code*, every employee is entitled to employment free of sexual harassment.

3. Employer’s Responsibilities – Issue Sexual Harassment Policy

Every employer is required to make every reasonable effort to ensure that no employee is subjected to sexual harassment. Every employer, after consulting with employees or their representatives, must issue a policy on sexual harassment. The policy must contain at least the following items:

- a definition of sexual harassment that is substantially the same as the one in the *Code*
- a statement to the effect that every employee is entitled to employment free of sexual harassment
- a statement to the effect that the employer will make every reasonable effort to ensure that no employee is subjected to sexual harassment

- a statement to the effect that the employer will take disciplinary measures against any person under his or her direction who subjects any employee to sexual harassment
- a statement explaining how complaints of sexual harassment may be brought to the attention of the employer
- a statement to the effect that the employer will not disclose the name of the complainant or the circumstances related to the complaint to any person unless disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation to the complaint
- a statement informing employees of their right to make a complaint under the *Canadian Human Rights Act*

4. Inform Employees about the Sexual Harassment Policy

Every employer shall post, and keep posted, copies of the sexual harassment policy where they are likely to be seen by employees.

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Sexual Harassment in the Workplace

Sexual harassment in the workplace is still the scourge of the Canadian workforce. We may not read much about it in the news, but every day there are numerous sexual harassment complaints filed. Since most victims feel powerless, and therefore afraid to report sexual harassment, one can assume that it is still very much prevalent in the Canadian workplace, much more than we would care to acknowledge.

A high percentage of Canadian women have stated that they had experienced workplace sexual harassment. Over 90 per cent of Canadian women have admitted that they had experienced this type of harassment at some point during their working lives. About the same percentage of men could add that that they know about a sexual harassment incident, or have witnessed one (let alone perpetrated one). It is also a leading factor contributing to why a high percentage of women change jobs (although most would prefer not to mention it).

Briefly speaking, we can define workplace sexual harassment as any “unwanted sexual behaviour” that occurs in a work-related environment, whether it be in the workplace, at the office party, away from the office at a work-related conference etc.

Sexual harassment is any unwanted sexual advances or behaviour that includes sexual touching, sexual jokes and comments, displays of a sexual nature that are demeaning and humiliating to a person.

Who Tends to Get Sexually Harassed in the Workplace

Most victims of sexual harassment are women, though they are not the only victims. Men can also be victims of sexual harassment, though this appears to happen less often. Workplace sexual harassment is not just limited to incidents between male bosses and a female employees.

Sexual harassment often occurs between co-workers and can include:

- Co-worker to co-worker sexual harassment
- supervisor harassing a subordinate
- subordinate harassing a supervisor
- men harassing women
- women harassing men
- same sex harassment with men harassing men, and women harassing women

- sexual orientation harassment
- third party harassment, such as customers and suppliers

From the above, we see that offenders could be supervisors, fellow workers, customers, suppliers and vendors.

Workplace Sexual Harassment Statistics

The last reported sexual harassment statistics in Canada showed that young women are the most likely to be sexually harassed with 10% of women 18 to 24 years of age having experienced sexual harassment in the workplace within the previous 12 months.(1)

Also, single women are more likely to be sexually harassed than married women. The statistics show that single women between the ages of 25 to 45 experienced sexual harassment at the same rate as young women aged 18 to 24 years.(2)

Of the reported cases of workplace sexual harassment 55% were perpetrated by co-workers. The percentage of sexual harassment cases involving a supervisor or manager, was 39%. Sexual harassment by a client or customer was 3 %.(3) 1., 2., & 3. Perspectives on Labour & Income: "Work-related Sexual Harassment" by Holly Johnson).

Sexual Harassment Laws Protecting Workers – Canada Labour Code/Canadian Human Rights Act

Canadian laws such as the *Canada Labour Code* and the *Canadian Human Rights Act* protect workers against sexual harassment at work. Workers are further protected through the *Canada Criminal Code* against physical and sexual assault (some forms of sexual harassment, such as sexual assault constitute a criminal act).

Employers Legal Exposure for Sexual Harassment at Work

Employers have a legal responsibility to provide workers with a safe and harassment-free work environment. They have the responsibility to stop sexual harassment, or any harassment for that matter, when it occurs. Failure to act on a complaint, in a timely manner, or to ignore that sexual harassment when it occurs, leaves employers facing legal responsibility, which could amount to tens of thousands of dollars in legal fees and penalties.

Types of Sexual Harassment

Here we get to understand the difference between the two types of sexual harassment in the workplace:

- Quid pro quo
- Hostile work environment

Hostile Work Environment Sexual Harassment

This is the more common type of sexual harassment in the workplace. The hostile work environment sexual harassment is characterized by a series of incidents involving intimidation and hostility. However, a single incident of sexual assault is sufficient to create a hostile work environment. It often adversely affects the victim's work performance. This type of sexual harassment involves unwanted physical, verbal, and gestures that are sexual in nature.

EXAMPLES OF SEXUAL OF HARASSMENT

Sexual harassment is a type of discrimination based on sex. When someone is sexually harassed in the workplace, it can undermine their sense of personal dignity. It can prevent them from earning a living, doing their job effectively, or reaching their full potential. Sexual harassment can also poison the environment for everyone else. If left unchecked, sexual harassment in the workplace has the potential to escalate to violent behaviour.

Employers that do not take steps to prevent sexual harassment can face major costs in decreased productivity, low morale, increased absenteeism and health care costs, and potential legal expenses. Under the Ontario *Human Rights Code*, sexual harassment is "engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome." In some cases, one incident could be serious enough to be sexual harassment.

- asking for sex in exchange for a benefit or a favour
- repeatedly asking for dates, and not taking "no" for an answer
- demanding hugs
- making unnecessary physical contact, including unwanted touching
- using rude or insulting language or making comments toward women (or men, depending on the circumstances)
- calling people sex-specific derogatory names
- making sex-related comments about a person's physical characteristics or actions
- saying or doing something because you think a person does not conform to sex-role stereotypes
- posting or sharing pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including online)
- making sexual jokes
- bragging about sexual

Both women and men may experience sexual harassment in employment, but women tend to be more vulnerable to it because they often hold lower-paying, lower-authority and lower-status jobs compared to men. At the same time, even women in positions of authority may experience sexual harassment.

When deciding if an employer has met its duty to respond to a human rights claim, tribunals are likely to think about:

- the procedures in place at the time to deal with discrimination and harassment
- how quickly the organization responded to the complaint
- how seriously the complaint was treated
- the resources made available to deal with the complaint
- if the organization provided a healthy environment for the person who complained
- how well the person who complained was told about the action taken.

Employers can prevent many cases of sexual harassment by having a clear, comprehensive anti-sexual harassment policy in place. In cases of alleged sexual harassment, the policy will alert all parties to their rights, roles and responsibilities. Policies must clearly set out how the sexual harassment will be dealt with promptly and efficiently.

Everyone should know about the anti-sexual harassment policy and the steps in place for resolving complaints. This can be done by:

- giving policies to everyone as soon as they are introduced
- making all employees, aware of them by including the policies in orientation material
- training people, including people in positions of responsibility, about the

policies, and educating them on human rights issues.

An effective sexual harassment policy can limit harm and reduce liability. It also promotes the equity and diversity goals of organizations and institutions and makes good business sense.

Employers should monitor their environments regularly to make sure they are free of sexually harassing behaviours. Taking steps to keep a poison-free environment will help make sure that sexual harassment does not take root, and does not have a chance to grow.

WHY IS EVERYTHING ELSE WRONG

SEXUAL HARASSMENT OF WOMEN

Sexual harassment is sexual behaviour that is unwanted. Often the harasser is someone in a position of formal authority, but harassment occurs between co-workers or peers as well. **Men are sometimes harassed, but most of the victims of harassment are women. The harasser is almost always male.**

1. Virtually every woman has experienced street harassment – whistles, sexual remarks, or touching by strangers in public places.

Women also contend with unwanted sexual advances at work or school. In a recent national poll, more than 1/3 of the women who had worked outside the home said that they had been sexually harassed on the job. Surveys of students at Canadian universities have found that about half of the women respondents have experienced some kind of sexual harassment on campus. It also happens in other situations: women have reported sexual abuse by their doctors, therapists, lawyers, landlords, and neighbours.

2. Sexual harassment is about power, not about sex

It is an abuse of power, the social and economic power that men hold over women. When men use their power to treat women sexually in a non-sexual context, they interfere with women's right to work, to learn, to walk on the street without fear, and to be treated as equal and respected participants in public life. Like other kinds of woman abuse, sexual harassment both reflects and reinforces women's unequal position in our society.

3. Workplace harassment reflects women's economic inequality

Despite laws against discrimination in the workplace, women generally remain in poorly paid, lower status, and less secure jobs. More than twice as many women as men work in clerical, sales, and service occupations. Women continue to be under-represented in managerial and leadership positions in our economy.

When women do enter non-traditional fields – whether blue-collar or professional – they may face harassment from hostile male co workers. Over 90% of women who responded to a "Women In Trades" survey said that they had been sexually harassed. A study of large U.S. corporations found that the highest rates of sexual harassment complaints are at companies with the lowest percentage of women workers.

4. Poverty, race, language, and other barriers put women at risk

Being at risk economically can be aggravated by other social differences. In a Montreal study of sexual discrimination against women tenants by landlords and neighbours, single mothers and women on welfare reported the highest levels of sexual

harassment. Immigrant women, who often occupy the most low paying and least secure positions in the work force, may lack the support groups and language skills that are necessary to confront harassment.

5. Sexual harassment has serious consequences

Not all women react the same way, but many women feel degraded and humiliated by sexual harassment. Some women feel confused. They question their own feelings and reactions, before they realize that the harasser is responsible for the problem. They are angry, anxious, and, if the harassment persists, may become depressed and demoralized.

The emotional strain can cause physical illnesses such as nausea, headaches, and fatigue. It can affect a woman's personal life, and the quality of her work. She may be fired, or forced to leave her job or school program to avoid the harasser. Loss of self-confidence, health problems, unfair evaluations, poor references, and a disrupted work record can have a long-term economic impact, such as not being able to find another job.

6. Sexual harassment is against the law

Canadian law prohibits sexual harassment. Federal, provincial, and territorial human rights commissions are responsible for investigating and resolving harassment complaints. Employers have been held accountable for sexual harassment in the workplace. As a result, many large companies, unions, universities, professional bodies, and other institutions have adopted their own policies against sexual harassment.

7. Many women still feel they have few options

Only 4 of every 10 Canadian women who suffer sexual harassment at work take any formal action. Only one out of every two women believe that a complaint would be taken seriously in their workplace.

Often, women who report harassment are not believed, are discredited, or are even blamed for the problem by their colleagues. As well, the harasser may retaliate. Legal action is slow, stressful, and expensive; and awards are usually small. Publicity surrounding a complaint may hurt a woman's job prospects and personal life. Few women can afford to take these risks.

8. The solution is equality for women

Human rights agencies should be made more effective and accessible, and should provide better compensation to women who are sexually harassed. But human rights law by itself cannot end sexual harassment. The fundamental solution to sexual harassment is social, economic, and political equality for women.

9. What you can do

Speak out! Raise the issue of harassment in your workplace or institution. Support women who are harassed.

If you are harassed:

- Remember that it's not your fault. The harasser is responsible for his own behaviour.
- The harassment most likely won't stop if you ignore it; it may actually get worse.

- Find friends or colleagues who will support you. Other women probably have been harassed by the same man.
- Contact a rape crisis centre or women’s centre to talk to other women who understand your situation. They can help you with ideas and strategies.
- Protect yourself by keeping a detailed written record of every incident.
- Ask the harasser to stop – in person or in writing. Take someone with you as a witness and for support.
- If it continues, find out about other options: Does your union, workplace, or institution have a procedure for dealing with sexual harassment complaints? Whom can you count on to support you? Is there a group of women who can act together?
- If you lose your job or suffer other reprisals, or your complaint isn’t taken seriously, get advice about filing a complaint with a human rights commission, or suing the harasser and/or his employer.
- You are entitled to Unemployment Insurance if you are fired or leave your job because of sexual harassment. In some provinces, Worker’s Compensation Boards have awarded compensation to women who have suffered stress-related disability caused by sexual harassment on the job.
- If you have been sexually assaulted, call a rape crisis centre. They can help you with emotional and practical support as well as information about criminal charges and other legal action.
- Finally, remember that there isn’t one right way to handle sexual harassment. Seek advice, find out about your options, and then make your own informed decision about how to proceed. Only you can know what is best for you in your own situation.