What is sexual harassment?

Sexual harassment is discrimination based on the ground of gender, which is prohibited under the Alberta Human Rights Act.

Sexual harassment is any unwelcome sexual behaviour 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 another person. It can be perpetrated by a supervisor, a co-worker, a landlord or a service provider.

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.

Employees, customers or clients can make sexual harassment complaints to the Alberta Human Rights Commission. These complaints can be costly, both in terms of financial costs and employee morale, particularly for employers who do not have an effective sexual harassment policy in place or who do not treat such complaints seriously.

Who is affected?

Males, females and transgendered individuals can all experience sexual harassment. Sexual harassment can occur between individuals of different genders (for example, male to female) or between individuals of the same gender (for example, female to female).

What constitutes sexual harassment?

Sexual harassment can be expressed in many ways, from very subtle to very 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

1 The words “transgender” and “transgendered” are used to refer to people who identify as either transgender or transsexual. The Ontario Human Rights Commission offers a helpful definition of gender identity on its website: “Gender identity is linked to a person’s sense of self, and particularly the sense of being male or female. A person’s gender identity is different from their sexual orientation, which is also protected under the [Ontario Human Rights] Code. People’s gender identity may be different from their birth-assigned sex, and may include:

**Transgender:** People whose life experience includes existing in more than one gender. This may include people who identify as transsexual, and people who describe themselves as being on a gender spectrum or as living outside the gender categories of ‘man’ or ‘woman.’

**Transsexual:** People who were identified at birth as one sex, but who identify themselves differently. They may seek or undergo one or more medical treatments to align their bodies with their internally felt identity, such as hormone therapy, sex-reassignment surgery or other procedures.”
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 Alberta Human Rights Act for failing to take prompt and appropriate action.

Having an effective sexual harassment policy in place can decrease an employer’s liability if a human rights complaint is made. Prompt and appropriate action on sexual harassment complaints can reduce an employer’s liability still further.

Sexual harassment policy development

Commission staff can help employers develop sexual harassment policies. Staff can also provide educational workshops to help employers, management and employees understand their rights and responsibilities related to sexual harassment in the workplace. Please contact the Commission for more information about these services.

What to do about sexual harassment

Anyone who believes they have 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 made to the Alberta Human Rights Commission. A complaint must be made within one year of the alleged incident or the Commission does not have the authority to accept the complaint.

For the purposes of 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.
The Alberta Human Rights Commission is 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.

For our business office and mailing addresses, please see the Contact Us page of our website (www.albertahumanrights.ab.ca), or phone or email us.

Hours of operation are 8:15 a.m. to 4:30 p.m.

Northern Regional Office (Edmonton)
780-427-7661 Confidential Inquiry Line
780-427-6013 Fax

Southern Regional Office (Calgary)
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 Wireless) or #310 (for Telus and Bell), followed by the area code and phone number. Public and government callers can phone without paying long distance or airtime charges.

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

Email humanrights@gov.ab.ca
Website www.albertahumanrights.ab.ca

Please note: A complaint must be made to the Alberta Human Rights Commission within one year after the alleged incident of discrimination. The one-year period starts the day after the date on which the incident occurred. For help calculating the one-year period, contact the Commission.

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Upon request, the Commission will make this publication available in accessible multiple formats. Multiple formats provide access for people with disabilities who do not read conventional print.