Sexual and gender-based harassment: know your rights

Sexual and gender-based harassment are kinds of discrimination. They can hurt a person’s dignity, make them feel unsafe and stop them from reaching their full potential. Sexually harassing or bullying someone because of their sex, gender or sexual orientation is not acceptable. It is against the law.

Often, a person in authority is doing the harassment, but it may also come from peers, coworkers, etc. Women are more vulnerable to it because they often hold lower-paying, lower-status jobs and are more likely to be sole providers to children. Even people in authority can be victims of sexual harassment.

What is sexual harassment?

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 can be serious enough to be sexual harassment. Sexual harassment can include:

- asking for sex in exchange for something
- making unnecessary physical contact, including unwanted touching
- using rude or insulting language or making comments that stereotype girls, women, boys or men
- calling people by nicknames or making personal attacks
- making comments about a person’s physical appearance (for example, whether or not they are attractive)
- having sex with someone who is not consensual
- saying or doing something because you think a person does not fit the role stereotypes
- posting or sharing pornography, sexual pictures, cartoons, graffiti or other sexual images (including online)
- making sexual jokes
- bragging about sexual ability
- bullying based on sex or gender
- spreading sexual rumours or gossip (including online)
- seeing or being part of sexual jokes
- sexual harassment does not have to be sexual
- sexual harassment has to be something that the person feels is unwelcome
- sexual harassment can also be more subtle
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Know your rights

The Ontario Human Rights Code says every person has the right to be free from discrimination based on sex—and this includes sexual harassment. The Code applies to five “social” areas:

- services, goods and facilities (including education)
- housing
- contracts
- employment
- membership in vocational associations, such as trade unions.

Sometimes when a person speaks up about sexual harassment, they can experience “reprisal” or punishment. The Code prohibits reprisal, which includes things such as being hostile to someone’s excessive scrutiny (for example, at work), excluding someone socially or other negative behaviour because someone has rejected a sexual advance or other proposition (such as a request for a date).

A tribunal found that a landlord engaged in sexual harassment, sexual solicitation and reprisal when he evicted a young woman who rejected his sexual advances. You do not have to object to the harassment when it happens in order to be free of discrimination.

To find out more about what you can do to prevent and address sexual and gender-based harassment, see the Ontario Human Rights Commission’s Policy on preventing sexual and gender-based harassment at www.ohrc.on.ca.

For more information on the Human Rights system in Ontario, visit www.ontario.ca/humanrights.

Example:

A property manager and property management company were found liable for the sexual harassment of a young female tenant due to the manager’s inappropriate behaviour toward her. As well as making unwanted sexual comments, he tried to impose a friendly relationship on her and his “open door” policy included leaving his door open into a common hallway while he was having sex.

Sexual harassment can also be more subtle.

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