

INFORMATION SHEET

What is sexual harassment?

Sexual harassment is a form of discrimination based on the ground of gender, including transgender, which is prohibited under the *Alberta Human Rights Act*.¹ 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. Sexual harassment in the workplace can be costly for employers in terms of financial costs and employee morale, particularly for employers who do not have an effective sexual harassment policy and who do not treat such complaints seriously.

¹ Gender identity and gender expression are also protected grounds under the *Alberta Human Rights Act*. Gender identity refers to a person's internal, individual experiences of gender, which may not coincide with the sex assigned to them at birth. A person may have a sense of being a woman, a man, both, or neither. Gender identity is not the same as sexual orientation, which is also protected under the *Alberta Human Rights Act*. Gender expression refers to the varied ways in which a person expresses their gender, which can include a combination of dress, demeanour, social behaviour and other factors.

Employees, customers or clients can make sexual harassment complaints to the Alberta Human Rights Commission.

Who is affected?

All individuals can 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 sexual images;
- leering or whistling;
- patting, rubbing or other unwanted physical contact;
- outright demands for sexual favours; and
- 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.

An employer 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 that are designed to identify discouraged or prohibited conduct


by employees and outline the process for responding to concerns and complaints from staff. The Commission 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. Also see the Commission information sheet *Sample Harassment Prevention Policy*, which is available on the Commission website or by calling the Commission for a print version.

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 unlawful 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 us

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.

**Hours of operation: 8:15 a.m. to 4:30 p.m.
Monday to Friday (holidays excluded)**

Northern Regional Office (Edmonton)
800 – 10405 Jasper Avenue NW
Edmonton, Alberta T5J 4R7
780-427-7661 Confidential Inquiry Line
780-427-6013 Fax

Southern Regional Office (Calgary)
200 J.J. Bowlen Building
620 – 7 Avenue SW
Calgary, Alberta T2P 0Y8
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.

TTY service for persons who are deaf or hard of hearing
1-800-232-7215 Toll-free within Alberta

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

Please note: The Commission must receive your completed complaint form or letter within one year after the alleged contravention of the *Alberta Human Rights Act*. The one-year period starts the day after the date on which the alleged contravention of the *Act* occurred. For help calculating the one-year period, contact the Commission.

The Commission will make this publication available in accessible formats upon request for people with disabilities who do not read conventional print.