

WHAT IS SEXUAL HARASSMENT?

Sexual harassment refers to a broad range of *unwelcome* conduct of a sexual nature, which negatively affects the school/work environment OR leads to adverse professional consequences for the victim of the harassment.

Sexual harassment is considered *discrimination* on the basis of sex in BC, and is prohibited by the *BC Human Rights Code* and *Canadian Human Rights Act*.

Sexual harassment **may** constitute a *criminal offence* under the *Criminal Code*.



RESOURCES

Making a Human Rights Complaint:

- **The University of Victoria Law Centre**
Tel: 250-385-1221
- **BC Human Rights Clinic**
Tel: 604-622-1100

Counseling/Support:

- **Victoria Sexual Assault Centre**
 - Trans, Two-Spirit and Gender Diverse inclusive
 - Tel: 250-383-3232
- **Men's Therapy Centre**
 - Cis, gay, bi-sexual, trans, non-binary, 2spirit, queer, gender fluid+ inclusive
 - Tel: 250-381-6367
- **TransLifeline**
 - Trans-led organization
 - Tel: 1-877-330-6366
- **Vancouver Island Crisis Line**
 - Tel: 1-888-494-3888
- **Sexualized Violence Resource Office**
 - Tel: 250-721-8786
- **University of Victoria Counselling Services**
 - Offers Indigenous counselling
 - Tel: 250-721-8341

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SEXUAL HARASSMENT:

A GUIDE FOR SURVIVORS IN EDUCATIONAL INSTITUTIONS AND THE WORKPLACE

Including resources, options for reporting, information on the court process, and definitions of sexual harassment

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 CREAN SOCIETY

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WHAT IS SEXUAL HARASSMENT?

Sexual harassment includes *unwelcome* comments, gestures, contact and jokes of a sexual nature, and discriminatory comments about someone's gender identity or expression.

- Silence or not explicitly saying "stop" does **NOT** mean that a person welcomed the harassment.
- A person's sexual history and/or manner of dress is **NOT** an invitation to harassment.
- Sexual harassment is **NOT** harmless "flirting." Sexual harassment is prohibited by human rights law in Canada.
- Any person can be the victim of sexual harassment. The harasser does **NOT** have to be in a position of authority for the unwelcome conduct to constitute sexual harassment.

REPORTING OPTIONS

Internal Complaint Process

- Post-secondary institutions and unionized/non-unionized workplaces will generally have **policies or resolution mechanisms** through which you can report the harassment.
- Using an internal complaints process **does not usually** replace your right to file a human rights claim or take other legal actions.

Other Legal Recourses

- If the harassment took place at work, you can make a complaint under the **Workers Compensation Act**.
- You can make a complaint to the **BC Human Rights Tribunal**. The University of Victoria Law Centre can assist you with making a human rights complaint - see **"Resources."**
- You can file a **civil lawsuit** or **criminal complaint** - see **"Court Process Options."**

COURT PROCESS OPTIONS

Criminal Process

1) A **police investigation** will commence after you file a **police report**

2) The prosecution will decide if **criminal charges** will be laid

3) A judge/jury will decide if the accused is **guilty**

Civil Process

1) A **lawsuit** will begin after you file a **Notice of Civil Claim** or **Petition**

2) The defendant will **reply** to the Notice and can start a counterclaim

3) A judge will award you **damages** if your claim is successful