

FAQs

Do I have to make a complaint directly to my employer?

No. You always have the option of reporting sexual harassment directly to the Manitoba Human Rights Commission – or, if your employment is federally regulated, to the Canadian Human Rights Commission.

If I make a complaint, can my employer fire me?

No. You cannot be fired, have your pay reduced, have your hours reduced, or lose work benefits just for making a workplace harassment complaint.

If I make a complaint, will the police get involved?

Not necessarily. Workplace sexual harassment may or may not be criminal. For example, a co-worker calling you derogatory nicknames based on your gender is not a crime. However, some harassing behaviour like unwanted touching or stalking does fall under the *Criminal Code*. The police generally will not get involved unless you file a police report yourself.

If I make a complaint, what will happen?

If you make a complaint to the Manitoba Human Rights Commission, you will fill out an intake questionnaire. You will be able to provide evidence as the Commission investigates. If the Commission determines there is enough evidence of harassment, an adjudicator will make a final ruling at a hearing.



RESOURCES

Information

COMMUNITY LEGAL EDUCATION ASSOCIATION

Workplace Sexual Harassment Hotline:
1-877-226-4366

Email:
sexualharassmenthelp@communitylegal.mb.ca

Counselling

KLINIC

Drop-In Counselling: (204) 784-4067

Sexual Assault Crisis Line: (204) 786-8631

Toll-Free: 1-888-292-7565

Trauma Counselling: (204) 784-4059

Complaints

MANITOBA HUMAN RIGHTS COMMISSION

Phone: (204) 945-3007 Toll-Free: 1-888-884-8681

Email: hrc@gov.mb.ca

CANADIAN HUMAN RIGHTS COMMISSION

(for Federally regulated employment)

Toll-Free: 1-888-214-1090 TTY: 1-888-643-3304

SAFE Work Manitoba

Workshops, prevention programs, services, events, resource materials. – Winnipeg: (204) 957-7233
Outside Winnipeg: 1-855-957-7233

Email: information@safeworkmanitoba.ca

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SEXUAL HARASSMENT IN THE WORKPLACE



Community Legal
Education Association

Workplace Sexual Harassment Hotline

1-877-226-4366

sexualharassmenthelp@communitylegal.mb.ca

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is any of the following:

- Unwelcome conduct or comments of a sexual nature
- A series of unwelcome sexual advances
- Unwelcome sexual advances made by a person, like an employer, who is in a position to give or take away benefits
- Making an employee think there is a sexual condition attached to their employment or any opportunities for promotion

Sexual harassment does not have to involve physical contact. It can include verbal comments, gestures, visual images, and electronic communications like text messages or emails. Sexual harassment can happen in the workplace or outside of the workplace in work-related situations, like staff parties or business trips.

EXAMPLES

- Some examples of sexual harassment are:
- Invasion of personal space
- Unnecessary or unwanted physical contact, such as hugging
- Sending sexual content by email
- Derogatory nicknames based on gender
- Comments undermining an employee based on gender or sexual orientation
- Comments about an employee not conforming to a gender stereotype
- Workplace policies requiring an employee to dress in a sexualized way

WHAT ARE MY RIGHTS?

All employees have the right to work without being sexually harassed.

Everyone has the right to file a complaint with the Manitoba Human Rights Commission.

If you are employed by the Federal Government, or work in a field regulated by the Federal Government, you have the right to make a complaint to the Canadian Human Rights Commission.

WHAT ARE MY EMPLOYER'S RESPONSIBILITIES?

Your employer must make every reasonable effort to make sure you are not being sexually harassed. If you make a sexual harassment complaint to your employer, they must investigate your complaint and take reasonable steps to stop the harassment.

Your employer also has a responsibility to set up a workplace harassment policy statement, which must say:

- That the employer will take corrective steps against anyone under their direction who sexually harasses an employee,
- Information about how an employee can bring harassment complaints to the employer's attention; and
- That if someone makes a harassment complaint, their identity will not be disclosed, except where this is necessary for investigating the complaint or otherwise required by law.

Your employer must post a copy of the policy in a conspicuous place at your workplace.

WHAT CAN I DO IF I AM BEING HARASSED AT WORK?

By law, your workplace must have a policy for dealing with harassment complaints. This policy must tell you about the process for making a complaint to your employer. If you choose to make a complaint, you should consult your workplace's policy and follow the procedure set out.

You also have the right to make a complaint directly to the Human Rights Commission – even if you have already made a complaint at your workplace. However, you only have one year from when the incident happened to make a complaint to the Commission.

The Human Rights Commission may try to resolve the complaint through mediation or a settlement. If these are not successful, the matter may go to a hearing. You may want to have a lawyer represent you in this process.

LEGISLATION

The following Manitoba legislation deals with most workplace sexual harassment:

- *The Human Rights Code*
- *The Workplace Safety and Health Act, Workplace Safety and Health Regulation* (sections 10.1 – 10.3)

For federally regulated employers, the following federal statutes apply:

- *Canada Labour Code* (Part III, Division XV.1)
- *Canadian Human Rights Act*