

Reporting Sexual Harassment

Defining Sexual Harassment

Have you received unwarranted sexual conduct that interferes with your dignity, respect, equality, and safety?

CAN BE:

Physical
Verbal
Visual

CAN BE:

A single serious incident; or
A series of incidents

MAY TAKE MANY FORMS INCLUDING:

- sexual remarks
- “jokes” with sexual overtones
- a sexual advance or invitation
- displaying offensive pictures or photographs
- threats
- leering
- physical contact like touching, patting, pinching or brushing against
- sexual and physical assault.
- asking for sex in exchange for a benefit or a favour
- repeatedly asking for dates, and not taking “no” for an answer
- demanding hugs
- using rude or insulting language or making comments towards one gender over another.
- calling people sex-specific derogatory names
- making sex-related comments about a person’s physical characteristics or actions
- saying or doing something because you think a person does not conform to sex-role
- stereotypes
- posting or sharing pornography, sexual pictures or cartoons, sexually explicit graffiti, or other
- sexual images (including online)
- bragging about sexual prowess.

Sexual Harassment in the workplace is a ground for discrimination (under either sex or sexual orientation) under the Saskatchewan Human Rights Code. This legislation governs the **Saskatchewan Human Rights Commission (SHRC)**.

Key; the behaviour is **subjectively** offensive

Have you experienced sexual harassment in the workplace?

Customer/Client

Employee

Depending on the situation, you may be able to resolve the matter informally, directly with the workplace owner or manager. You may also be able to file a complaint with the SHRC.

If you feel comfortable, you should attempt to file a complaint **internally** through your workplace, before reaching out to **Occupational Health and Safety (OHS)**. If there is no harassment policy in place or there is no one in the reporting structure above the respondent, contact OHS for assistance. You may still be able to file a complaint immediately through the **SHRC**.

Consult your workplace sexual harassment policies and processes, and your shop steward in a unionized environment.

Are you dissatisfied with your attempt to resolve your complaint internally **OR** do you feel uncomfortable reporting internally?

NO

YES

We hope that you managed to resolve your complaint in a way that makes you feel satisfied. Please don't hesitate to look at our other resources or speak with our other community partners if you need anymore guidance.

You may have options to report externally that may include: OHS, SHRC, police, WCB, or consulting a lawyer to explore a civil action.

If you believe that the harassment has become criminal in nature (which might include stalking, threats, physical contact) you may contact the police for help.

If you have suffered psychological or physical injury that is related to the workplace harassment, you may report this to the Workers' Compensation Board (WCB). You can find more information at www.wcbsask.com/W1/

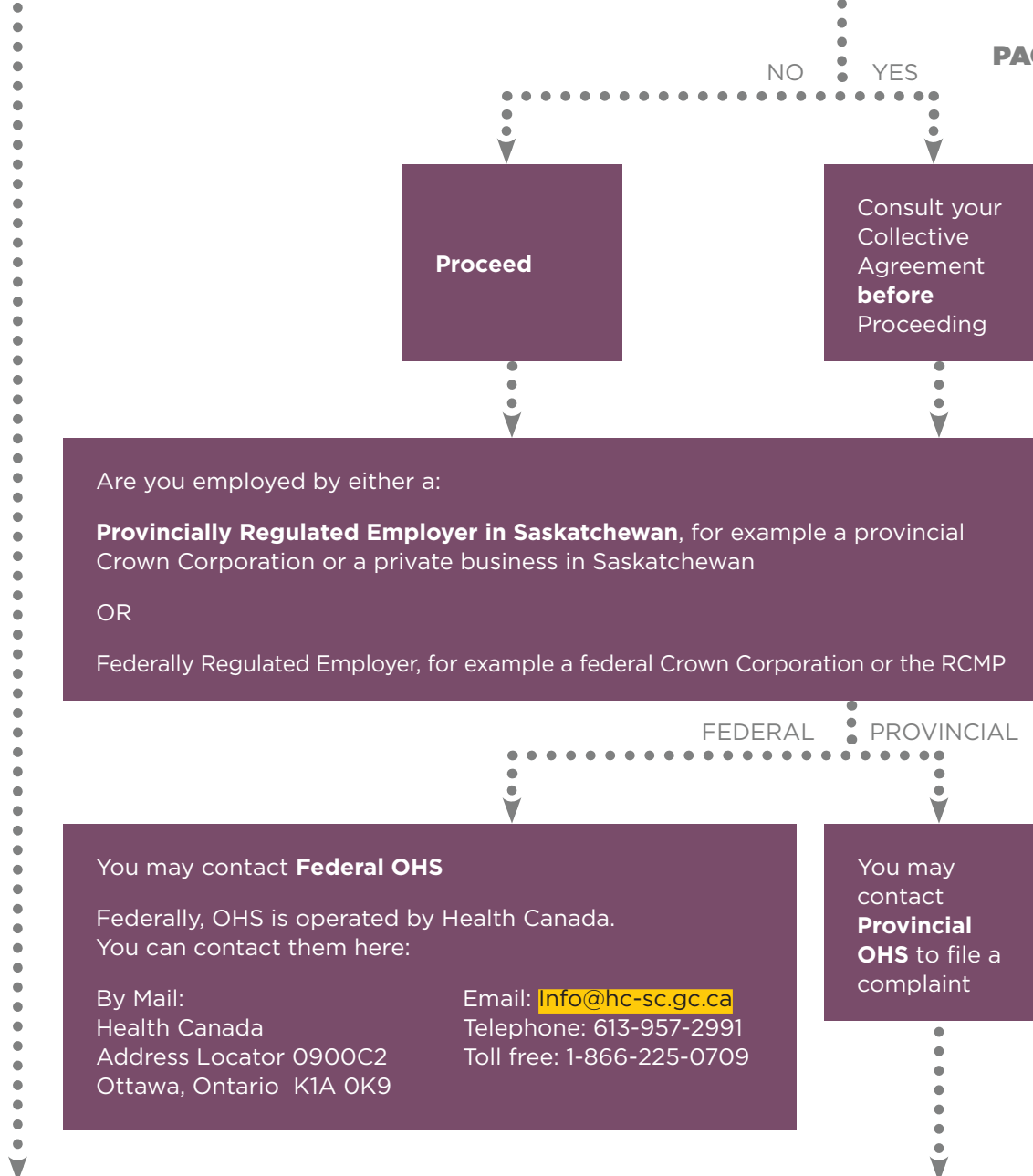
If you don't feel comfortable reporting right away, that's fine. Please take a look at our other resources and consult with some of our community partners. Even if you don't want to report right away, continue to document every instance of harassment. If you want to report to OHS you must still be employed by the same employer unless you have been terminated for raising a harassment complaint.

You always have the option to seek legal advice to help you better understand your options.

Is your Workplace Unionized?

Reporting Sexual Harassment

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Resolving Complaints

Filing a Complaint Through SHRC <https://saskatchewanhumanrights.ca/filing-a-complaint/how-to-file-a-complaint/>

The commission needs to know:

- The specific ground(s) of discrimination
- A description of what happened
- The negative effect the act had on you
- Your thoughts about how you think this matter could best be resolved

Filing a Complaint Through OHS

If you have experienced or observed harassment in your workplace, you must **wherever possible**, report it to your employer to first try to resolve the issue internally. Reference your company's harassment policy for information **on the investigation process and options for reporting a complaint**.

If the employer does not have a policy or process in place, inform OHS.

As a worker, you have the right to request the assistance of the Occupational Health and Safety (OHS) Division. If your employer has failed to take reasonable steps to address the issue, or, you have been disciplined or terminated for raising the issue, you can ask for help by contacting OHS at 1-800-567-7233.

Workers and witnesses are protected from termination and/or discipline when reporting to OHS.

Resolving Complaints

Filing a Complaint Through SHRC

<https://saskatchewanhumanrights.ca/filing-a-complaint/how-to-file-a-complaint/>

You need to know:

- You must file a complaint within one year of the incident. However, the Chief Commissioner has the discretion to extend this deadline if they consider it appropriate.
- The incident must have happened in Saskatchewan
- You can contact the Commission by mail, telephone, or email to explain your situation to an intake consultant. In person, face-to-face, meetings are by appointment only.
- You can file a complaint on behalf of others as long as you have their consent.
- There is no fee for filing a complaint.
- You do not need to hire a lawyer. However, should you hire a lawyer or decide to obtain legal help, you are responsible for paying for it. The Commission is impartial and unbiased. It does not take your side nor the respondent's.

How do you File a Complaint?

<https://saskatchewanhumanrights.ca/filing-a-complaint/how-to-file-a-complaint/>

Online: The Intake Questionnaire form can be downloaded, filled in electronically, and in most cases, it can be submitted directly by using the "Submit Via E-mail" button at the end of the document. This form works with Adobe Reader or compatible technology. There are required fields in this form. If all of the required fields are not completed this form cannot be sent by e-mail.

By mail: Saskatchewan Human Rights Commission, P.O. Box 6011, Saskatoon SK S7K 4E4

By Phone: (306) 933-5952;
Toll free: 1-800-667-9249

Your complaint is official once you sign the complaint form.

Filing a Complaint Through OHS

<https://www.saskatchewan.ca/business/safety-in-the-workplace/hazards-and-prevention/bullying-and-harassment-in-the-workplace#what-is-harassment1>

1. Contact the Harassment & Discriminatory Action Prevention Unit with the Occupational Health and Safety Division. (800) 567-7233; 300 - 1870 Albert Street, Regina, SK, Canada, S4P 4W1
2. An intake coordinator will assess the situation and determine if the complaint is considered an action pursuant to the Saskatchewan Employment Act (discriminatory action, harassment, or review of investigation)
3. If the complaint falls within the scope of OHS, a questionnaire will be sent to the complainant.
4. The complainant will complete the questionnaire and return it to the Occupational Health and Safety Division. The supervisor of the unit will review and assign the case to an officer as necessary.
5. If it is determined that the complaint is not valid or does not fall within the legislation, the supervisor will give written notice to the complainant that OHS will not proceed; **however, an inspection will be conducted.**

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already

Resolving Complaints

After you file your SHRC complaint what can you do?

- The SHRC will contact the other party (the respondent), to hear their side of the story.
- The Commission can defer action if the Chief Commissioner believes an alternative process would be more appropriate.
- You are also entitled to withdraw your complaint at any time.
- Keep notes and records of what happened Prepare a list of witnesses you believe should be interviewed Keep in touch with the Commission staff once your complaint has been formalized

How will my SHRC Complaint Get Resolved? <https://saskatchewanhumanrights.ca/filing-a-complaint/road-to-resolution-the-complaint-process/>

Pre-Complaint Resolution

- This process is for time-sensitive complaints that can usually be resolved quickly, sometimes in just a few phone calls.
- It can, for example, put the complainant back on course with their employer without any significant negative consequences.
- Pre-complaint communication can, for example, serve to educate employers. Describing the process and gravity of human rights violations is important in helping people understand the severity of cases that move on to the Court of Queen's Bench.

Mediation and settlement

- Parties can resolve complaints through mediation or settlement at any stage in the process – before or at intake, during or after an investigation.
- In many cases, these negotiations provide a faster, more co-operative method of resolving complaints than investigations or hearings.

Investigation

- In an investigation, an impartial investigator talks to witnesses and examines records to find out what happened.
- The investigator then refers the case to the Chief Commissioner who decides whether the case should be mediated, dismissed, sent to a hearing, or dealt with in another way.

Directed Mediation

- In most cases, and before a hearing takes place, the parties will be directed to engage in one further mediation attempt.
- In directed mediation, the respondent is asked to provide a final offer of resolution.
- If the offer made is reasonable in the determination of the Commission, and if the complainant does not accept it, the Chief Commissioner will dismiss the complaint.
- Where a reasonable offer is not made, the matter will proceed to hearing, as directed by the Chief Commissioner

Hearing of Cases

- The Court of Queen's Bench conducts hearings that are referred to it by the Commission.
- The Commission's lawyer will present the case in the Court for the complainant free of charge, though complainants may hire a lawyer to represent them if they so choose.
- Respondents either hire a lawyer to represent them in court or they may represent themselves.

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