KNOW YOUR RIGHTS

This resource explains your rights and your employer's responsibilities when it comes to workplace sexual harassment.

Workplace sexual harassment is illegal under provincial, territorial, and federal human rights and workplace safety laws.

These laws apply to everyone in the workplace, regardless of what their employment or immigration status is.

Your rights in the workplace are to:

- **Be protected from discrimination** based on your sex or what someone assumes to be your sex, gender, gender expression, gender identity, or sexual orientation
- **Work in a place free from sexual harassment** (both in the workplace and outside of the physical workplace), whether it comes from coworkers, bosses, clients, or anyone else you deal with
- **Not have to deal with a toxic work environment** where sexual or gender-based jokes, comments, or behaviour are common
- **Have access to your workplace's sexual harassment policies**, training on them, and safe ways to report harassment



- Have any reports of sexual harassment **investigated fairly**
- **Get support and accommodations** for your safety and needs if you experience harassment, even while it's being investigated
- **Have these protections** regardless of what your employment and immigration status are *(e.g. whether you're a regular employee, full-time or part-time, temporary or permanent, independent contractor, live-in caregiver, personal service worker, temporary foreign worker, have an uncertain immigration status, etc)*

Your employer's responsibilities are to:

- **Stop sexual harassment from happening**
- **Have clear sexual harassment policies** and provide training on them
- **Investigate** sexual harassment complaints fairly, quickly, and reasonably
- Make sure everyone connected to the workplace *(e.g. employees, contractors, clients, etc)* **knows the policies and how to report harassment**



- **Provide safe, accessible, and practical ways** to report sexual harassment
- **Protect anyone who reports harassment** or witnesses it from retaliation (it's illegal to punish them for speaking up)
- **Support and provide resources** to anyone who has made a sexual harassment complaint or anyone who is participating in a sexual harassment investigation
- Keep the **workplace culture free from sexual or gender-based jokes,** comments, or displays

- **Investigate sexual harassment** even if it happened only once, or if the harasser didn't mean to target someone based on sex or gender
- **Investigate harassment even if no one has made a formal complaint**
- Understand that harassment against Muslim women (or anyone) may include sexual or gender-based behaviour tied to their race or religion, **which can look different from other forms of harassment**



Your employer's sexual harassment policies must:

- **Be written down**
- **Be easy to understand**
- **Be easy to access**
- **Be given to you and clearly explained**
- **Include clear steps** for reporting sexual harassment
- **Offer alternative ways** to report sexual harassment
- **Require training** on the policies
- **Protect anyone reporting** sexual harassment, or participating in a sexual harassment investigation, from retaliation
- **Specifically address sexual harassment** *(not just harassment or discrimination in general)*
- **Explain** what support is available for the person reporting
- **Allow translation** or interpretation of the policies, and provide interpretation during reporting and investigations if needed



Your employer's sexual harassment investigations must:

- **Use the "balance of probabilities" standard**, meaning they decide if it's more likely than not (50% or more chance) that the sexual harassment happened, not the stricter criminal standard of "proof beyond a reasonable doubt"
- **Bring in an outside investigator if** an internal investigator can't be, or might seem unable to be, fair and unbiased
- **Let you have support people with you**
- **Give accessible ways** for you to share your information, either in writing or verbally
- **Be fair to everyone involved**
- **Provide measures to keep you safe** while the investigation happens
- **Keep information confidential**
- **Protect you from retaliation** and have ways to prevent or stop retaliation if it happens

For more information:
Visit our website: ccmw.com/wish

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