

CACSW Fact Sheet Sexual Harassment

by CACSW, March 1993

(The Canadian Advisory Council on the Status of Women)

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Sexual harassment can take many forms

Sexual harassment is sexual behaviour that is unwanted. Often the harasser is someone in a position of formal authority, but harassment occurs between co-workers or peers as well. Men are sometimes harassed, but most of the victims of harassment are women.¹The harasser is almost always male.²

Sometimes the harassment is directed at a particular woman. It could be in the form of suggestive comments, pressure for sexual contact, or demands for sex in return for a job or other benefit. It can involve unwanted sexual touching or rape (both are sexual assault). Sexual harassment also happens when sexual jokes, sexist remarks, or pin-ups create a hostile and intimidating environment for women.

Sometimes the harassment is also directed at a woman's racial or cultural background, sexual orientation, disability, or other personal characteristics.³ In these cases, the woman is multiply victimized. For example, racial minority women face prejudice and discrimination on two grounds; often, their harassment involves both racism and sexism.

Sexual harassment of women is widespread

Virtually every woman has experienced street harassment - whistles, sexual remarks, or touching by strangers in public places.⁴

Women also contend with unwanted sexual advances at work or school. In a recent national poll, more than 1/3 of the women who had worked outside the home said that they had been sexually harassed on the job.⁵ Surveys of students at Canadian universities have found that about half of the women respondents have experienced some kind of sexual harassment on campus.⁶ It also happens in other situations: women have reported sexual abuse by their doctors,⁷ therapists,⁸ lawyers,⁹ landlords, and neighbours.¹⁰

Sexual harassment is about power, not about sex

It is an abuse of power, the social and economic power that men hold over women. When men use their power to treat women sexually in a non-sexual context, they interfere with women's right to work, to learn, to walk on the street without fear, and to be treated as equal and respected participants in public life. Like other kinds of woman abuse, sexual harassment both reflects and reinforces women's unequal position in our society.

Workplace harassment reflects women's economic inequality

Despite laws against discrimination in the workplace, women generally remain in poorly paid, lower status, and less secure jobs. More than twice as many women as men work in clerical, sales, and service occupations.¹¹ Women continue to be under-represented in managerial and leadership positions in our economy.

When women do enter non-traditional fields -- whether blue-collar or professional -- they may face harassment from hostile male co workers.¹² Over 90% of women who responded to a "Women In Trades" survey said that they had been sexually harassed.¹³ A study of large U.S. corporations found that the highest rates of sexual harassment complaints are at companies with the lowest percentage of women workers.¹⁴

Poverty, race, language, and other barriers also put women at risk

Being at risk economically can be aggravated by other social differences. In a Montreal study of sexual discrimination against women tenants by landlords and neighbours, single mothers and women on welfare reported the highest levels of sexual harassment.¹⁵ Immigrant women, who often occupy the most low paying and least secure positions in the work force, may lack the support groups and language skills that are necessary to confront harassment.¹⁶

Sexual harassment can have serious consequences

Not all women react the same way, but many women feel degraded and humiliated by sexual harassment. Some women feel confused. They question their own feelings and reactions, before they realize that the harasser is responsible for the problem. They are angry, anxious, and, if the harassment persists, may become depressed and demoralized.

The emotional strain can cause physical illnesses such as nausea, headaches, and fatigue. It can affect a woman's personal life, and the quality of her work.¹⁷ She may be fired, or forced to leave her job or school program to avoid the harasser. Loss of self-confidence, health problems, unfair evaluations, poor references, and a disrupted work record can have a long-term economic impact, such as not being able to find another job.

Sexual harassment is against the law

Canadian law prohibits sexual harassment. Federal, provincial, and territorial human rights commissions are responsible for investigating and resolving harassment complaints. Employers have been held accountable for sexual harassment in the workplace.¹⁸ As a result, many large companies, unions, universities, professional bodies, and other institutions have adopted their own policies against sexual harassment.

Yet many women still feel they have few options

Only 4 of every 10 Canadian women who suffer sexual harassment at work take any formal action. Only one out of every two women believe that a complaint would be taken seriously in their workplace.¹⁹

Often, women who report harassment are not believed, are discredited, or are even blamed for the problem by their colleagues. As well, the harasser may retaliate. Legal action is slow, stressful, and expensive; and awards are usually small.²⁰ Publicity surrounding a complaint may hurt a woman's job prospects and personal life. Few women can afford to take these risks.

The real solution is equality for women

Human rights agencies should be made more effective and accessible, and should

provide better compensation to women who are sexually harassed. But human rights law by itself cannot end sexual harassment. The fundamental solution to sexual harassment is social, economic, and political equality for women.

What you can do

Speak out! Raise the issue of harassment in your workplace or institution. Give a copy of this fact sheet to someone who could benefit from reading it. Support women who are harassed.

If you are harassed:

- Remember that it's not your fault. The harasser is responsible for his own behaviour.
- The harassment most likely won't stop if you ignore it; it may actually get worse.²¹
- Find friends or colleagues who will support you. Other women probably have been harassed by the same man.²²
- Contact a rape crisis centre or women's centre to talk to other women who understand your situation. They can help you with ideas and strategies.
- Protect yourself by keeping a detailed written record of every incident.
- Ask the harasser to stop - in person or in writing. Take someone with you as a witness and for support.
- If it continues, find out about other options: Does your union, workplace, or institution have a procedure for dealing with sexual harassment complaints? Whom can you count on to support you? Is there a group of women who can act together?
- If you lose your job or suffer other reprisals, or your complaint isn't taken seriously, get advice about filing a complaint with a human rights commission, or suing the harasser and/or his employer.
- You are entitled to Unemployment Insurance if you are fired or leave your job because of sexual harassment. In some provinces, Worker's Compensation Boards have awarded compensation to women who have suffered stress-related disability caused by sexual harassment on the job.²³
- If you have been sexually assaulted, call a rape crisis centre. They can help you with emotional and practical support as well as information about criminal charges and other legal action.
- Finally, remember that there isn't one right way to handle sexual harassment. Seek advice, find out about your options, and then make your own informed decision about how to proceed. Only you can know what is best for you in your own situation.

The Canadian Advisory Council on the Status of Women (CACSW) advises the federal government and informs the public on issues important to women, such as economic inequality and sexual violence. Through research, recommendations, advocacy, and educational activities, the CACSW brings issues to the attention of the federal government and the Canadian public, and presses the government to take action. For more information about the CACSW's work on employment equity and sexual violence, for an annotated bibliography of this fact sheet, or to order copies of this fact sheet, please contact: CACSW, Box 1541, Station B, Ottawa, Ontario, K1P 5R5, Tel: (613) 992-4975, Fax: (613) 992-1715.

Endnotes for Sexual Harassment FACT SHEET (March 1993)

1. A. Aggarwal, *Sexual Harassment in the Workplace*, 2nd ed. (Toronto: Butterworths, 1992) at 1.

2. Ibid.

See also D. Savoie, "Le harcèlement sexuel au travail : résultats de deux études québécoises" (1990) 45:1 *Relations Industrielles* 62.

3. For a detailed discussion of the kinds of behaviour considered to be sexual harassment in Canadian law, see A. Aggarwal, *Sexual Harassment in the Workplace*, 2nd ed. (Toronto: Butterworths, 1992) at 7-14, and The Canadian Human Rights Commission, *Harassment Casebook* (Ottawa: 1991).

Women give their own descriptions of sexual harassment in A. C. Sumrall & D. Taylor, eds., *Sexual Harassment. Women Speak Out* (Freedom, CA: The Crossing Press, 1992).

4. There has been little research into the incidence of street harassment, but June Larkin, who documented her personal experience of street harassment, reported that street harassment accounted for 60% of the harassing incidents she experienced over a four month period. See J. Larkin, "Sexual Harassment: From the Personal to the Political" (1991) 17:1 *Atlantis* 106.
5. The poll was conducted by the Angus-Reid Group in October 1991, shortly after the hearings on Clarence Thomas' nomination to the United States Supreme Court, which, because of Anita Hill's testimony, focused public attention on the issue of sexual harassment.

See "Sexual Harassment in the Workplace" (1992) 7:1 *The Reid Report* 32.

Other research suggests that this figure is probably low, because women may not recognize that what has happened to them is sexual harassment. In a national survey conducted in 1981 for the Canadian Human Rights Commission, 57% of the women who reported that they had experienced unwanted sexual attention said that they did not think it was sexual harassment. But 115 of these women said that there were employment consequences as a result of the incident, and almost 1/4 reported that their emotional or physical condition worsened. By most definitions, these women had been sexually harassed. See The Canadian Human Rights Commission, *Unwanted Sexual Attention and Sexual Harassment. Results of a Survey of Canadians* (Ottawa: Minister of Supply and Services Canada, 1983).

6. See S.A. McDaniel & E. van Roosmalen, "Sexual Harassment in Canadian Academe: Explorations of Power and Privilege" (1991) 17:1 *Atlantis* 3 at 13, and A. Burger, *Report on Sexual Harassment and Sexual Assault at Simon Fraser University* (Burnaby: British Columbia Public Interest Research Group, 1986) at 12. The former study was conducted in 1985 at the University of Waterloo in Waterloo, Ontario.

Canadian findings are consistent with the more extensive United States research. United States studies are reviewed in V.C. Rabinowitz, "Coping With Sexual Harassment", in M.A. Paludi, ed., *Ivory Power. Sexual Harassment on Campus* (Albany: State University of New York Press, 1990) at 103; and in K.M. Grahame, "Sexual Harassment", in C. Guberman and M. Wolfe, eds., *No Safe Place: Violence Against Women and Children* (Toronto: The Women's Press, 1985) at 117.

7. A recent study found that 8% of Ontario women reported sexual harassment or abuse by doctors. This Canadian study, and the results of U.S. research, are discussed in M. McPhedran et al., *The Final Report of the Task Force on Sexual Abuse of Patients* (Toronto: The College of Physicians and Surgeons of Ontario, November 25, 1991) at 13.
8. Ibid.

See also S. Penfold, "Sexual Abuse Between Therapist and Woman Patient" (1989) 8:4 *Canadian Woman Studies* 29.

9. P. Kulig, "LSUC to Study Compensating Victims of Sexual Assault", *The Law Times* (22 October 1991) 1.
10. S. Novac, "Sexual Harassment of Women Tenants" (1990) 11:2 *Canadian Women's Studies* 58; B. Rahder, ed., *Why Put Up With It? Women Talking About Sexual Harassment of Tenants* (Toronto: Ontario Women's Directorate, 1992); S. Novac, *The Security of Her Person: Tenants' Experiences of Sexual Harassment* (Toronto: Ontario Women's Directorate, forthcoming).

See also R. Cahan, "Home is No Haven: an Analysis of Sexual Harassment in Housing" (1987) *Wisconsin Law Review* 1061 for U.S. research on this problem.

For a case report, see "Victim Fails to Show, Man Still Found Guilty", *The Ottawa Citizen*

- (23 April 1992) at B9.
11. In 1990, 56.6% of women in the paid labour force worked at these kind of jobs, compared to 25.6% of men.
Canadian Advisory Council on the Status of Women, Re-Evaluating Employment Equity: A Brief to the Special House of Commons Committee on the Review of the Employment Equity Act (Ottawa: 1992) at 4.
 12. Many sectors of the economy are still dominated by men. In 1990 only 0.3 % of the female labour force worked in the construction industry, compared to 11.3% of men. The manufacturing sector employed 5.9 % of employed women, compared to 18.5 % of men (see Canadian Advisory Council on the Status of Women, Re-Evaluating Employment Equity: A Brief to the Special House of Commons Committee on the Review of the Employment Equity Act (Ottawa: 1992) at 4). As a result, women working in these fields can be isolated in a mostly-male workplace. The men seem to be threatened by women entering these new fields. As a woman maintenance worker said, "You get harassed because the men don't want you to work there -- they don't make a secret out of it." Quoted in A. Duffy, "Nine Housing Workers Charge Harassment", The Toronto Star (26 March 1992) at A1.
 13. Cited in M. Kadar, "The Union and Sexual Harassment", Canadian Dimension (June 1984) at 9.
 14. R. Sandroff, "Sexual Harassment in the Fortune 500", Working Woman (December 1988) at 69.
 15. Comite Logement Rosemont, "Discrimination, Harcelement et Harcelement Sexuel Rapport L'Enquete Femmes et Logement", (Montreal, 1986).
 16. See S. Campbell, "Chinese Women Urged to Speak Out For Rights", The Globe and Mail (23 March 1992) at A4. See also B. Rahder, ed., Why Put Up With It? Women Talking About Sexual Harassment of Tenants (Toronto: Ontario Women's Directorate, 1992).
 17. The stressful effects of workplace sexual harassment are described in G.S. Lowe, Women, Paid/Unpaid Work, and Stress (Ottawa: Canadian Advisory Council on the Status of Women, 1989) at 30.
 18. The decision in *Robichaud v. Canada* (Treasury Board) (1987) 8 C.H.R.R. 680 at the Supreme Court of Canada settled this point.
 19. "Sexual Harassment in the Workplace" (1992) 7:1 The Reid Report 32.,

Women who were surveyed were asked: "Have you yourself ever experienced some form of what you consider sexual harassment in the workplace?" and "Did you do anything about the harassment you were experiencing?". The second question was phrased in a way that suggested that "taking action" was the only way that women could "do something about it". In fact, trying to ignore the harassment is not "non-action", but is often what women decide is the best or only thing that they can do in the situation.

20. See H. Levitt, "Legal System Ineffective on Sexual Harassment", The Toronto Star (11 May 1992) at D1. Levitt reports that the normal delay before resolution of a human rights complaint in Ontario is six years. Unless a victim can claim general damages by proving that she was fired as a result of the harassment, she is limited to compensation for loss of dignity and mental distress. Canadian awards for such losses usually range from \$250 to a few thousand dollars. Punitive damages cannot be awarded under current law.
21. This study was conducted by the American Federation of State, County, and Municipal Employees. It is cited by K.M. Grahame, "Sexual Harassment", in C. Guberman and M. Wolfe, eds., No Safe Place: Violence Against Women and Children (Toronto: The Women's Press, 1985) at 121.
22. A Quebec study found that almost all the harassers in the study had harassed more than one woman under their authority. See D. Savoie, "Le harcèlement sexuel au travail résultats de deux études québécoises" (1990) 45:1 Relations Industrielles 62.
23. See A. Aggarwal, Sexual Harassment in the Workplace, 2nd ed. (Toronto: Butterworths, 1992) at 273-279, for a discussion of the law on this point.