

CENTRAL OKANAGAN
**ELIZABETH FRY
SOCIETY**
Empowering Change

DRAW THE LINE

Information for individuals
affected by Sexual Harassment

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*“A strong woman is a woman
determined to do something others
are determined not to do.”*

~Marge Piercy

ABOUT SEXUAL HARASSMENT

Sexual harassment is discrimination based on sex. It is unwelcome sexual behaviour that harms an individual and it is illegal in B.C.

(Canadian Bar Association, 2009)

The Merriam-Webster's Online Dictionary defines sexual harassment as uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate (as an employee or student).

LAW REGARDING SEXUAL HARASSMENT

Sexual harassment is illegal under the **B.C. Human Rights Code**. The B.C. Human Rights Tribunal handles discrimination complaints. The Tribunal website, at www.bchrt.bc.ca, has detailed information on how to do this. You can phone the Tribunal at 604.775.2000 in Vancouver and 1.888.440.8844 elsewhere in BC.

(Canadian Bar Association, 2009).

TYPES OF SEXUAL HARASSMENT

1. Sexual Coercion

Sexual coercion is sexual harassment that results in some direct consequence to the worker's employment status or some gain or loss of tangible job benefits.

(Aggarwal, 1992, p.22)

For example:

A supervisor, using his power to coerce a subordinate to grant sexual favors. If the worker agrees to the supervisor's request, tangible job benefits follow; if the worker refuses, job benefits are denied. (Aggarwal, 1992, p.22)

2. Sexual Annoyance

Sexual annoyance is sexually related conduct that is hostile, intimidating, or offensive, but has no direct link to any tangible job benefit. This creates a hostile work environment and makes the worker's willingness to endure that environment a term or condition of employment. (Aggarwal, 1992, p.22)

For example:

An employee is subjected to persistent requests for sexual favours and persistently refuses. Other behaviours include sexual taunts, lewd or provocative comments, gestures, images and sexually offensive physical contact. (Aggarwal, 1992, p.23)

EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment can happen to anyone such as employees, students, tenants, or you. It can interfere with an employee's ability to do a job or create a hostile, intimidating or offensive work environment. It can affect a tenant's housing situation or a student's education.

(Canadian Bar Association, 2009).

Most sexual harassment is perpetrated by men against women. However, there are also cases of harassment by women against men, and of same sex harassment perpetrated by either sex. A small percentage of men account for the majority of harassers, and many of these individuals victimize several women over a period of time.

(Taken from Sexual Harassment Support, 2006)

It is important to review the sexual harassment policy in place at your work or school or where the incident occurred. If following the policy fails to stop the harassment from taking place, contact the B.C. Human Rights Tribunal. Keep a record of all the steps you have taken and the dates and times of the incidences as well as who you may have spoken to about the situation. This will help to validate your experience.

Example case studies

These case studies are provided as examples only. They are not presented as an outline as to what one should expect in regards to their own unique situation.

These case studies are offered to better inform the reader of what sexual harassment can look like, as well as to validate the experience of those who have encountered similar situations and what they can do about it.

Case Study #1

Sally, aged 29, was a casual employee at a supermarket. During the course of her employment she regularly faced inappropriate touching, sexual suggestions and requests for sexual favors by her manager in the dairy freezer section. The alleged sexual harassment started a month after starting the job, but Sally could not leave because she needed the money to support her family.

Sally lodged a complaint of sexual harassment against her employer. Her employer acknowledged that she had been harassed at work. The complaint was settled for \$3000. (Victorian Equal Opportunity & Human Rights Commission, 2009)

Case Study #2

A woman lodged a complaint with the Commission alleging sexual harassment by her boss who was also her academic mentor. The woman alleged that the sexual harassment occurred over a period of two years. The alleged harasser was in a position of authority over her in that she was his student and he was her boss. She claimed towards the end of the sexual harassment he 'stalked' her by following her and waiting outside her house. The respondents denied the allegations stating that the relationship was mutual and that there was no sexual harassment.

In conciliation the matter settled for the payment of \$60,000 for pain and suffering and the individual respondent provided a written apology. One of the two respondents settled the matter with the payment of \$5,000. Both parties were extremely pleased with the resolution of the matter. (Anti-discrimination Commission Queensland, 2002)

Case Study #3

Jo worked as a payroll officer in the head office of a car manufacturing company. A male co-worker in her division, who had the office next to hers, used to work very late at night. Through a glass partition between the walls, Jo noticed that her co-worker was looking at pornographic sites on the internet. She heard noises which she could only explain as being noises made whilst he was masturbating.

On reporting this to the chief accountant of the division, a supervisor spoke to the man, by pulling him aside and telling him to stop doing it. Eventually the man was worked out of the organization. Jo was offered no assistance or counseling in respect to the incident. Jo lodged a complaint of sexual harassment with the Commission. The complaint was settled for \$5,000 and the implementation of equal opportunity training for all managers and supervisors.

(Victorian Equal Opportunity & Human Rights Commission, 2009)

COMMON REACTIONS TO SEXUAL HARASSMENT

Women who are faced with unwanted and unsolicited sexual advances may feel confused, frustrated and/or angry.

(Aggarwal, 1992, p.65)

They may fear it will reflect badly on their character or that somehow they will be seen as inviting the propositions.

When women do speak out, they are often ignored, discredited or accused of “misunderstanding” their superior’s intentions.

(Aggarwal, 1992, p.65)

The reality is that you understood the situation clearly and by accusing you of misunderstanding their intentions; this is another way for the harasser to minimize the extent of their offensive behavior towards you.

COMMON EFFECTS OF SEXUAL HARRASSMENT

- Increased absenteeism to avoid harassment, or stress.
- Having to drop courses, or change academic plans; academic transcripts may be weakened.
- Retaliation from the harasser, or colleagues/friends of the harasser, should the victim complain or file a grievance (retaliation can involve revenge along with more sexual harassment, and often involves stalking the complainant).
- Defamation of character and reputation.
- Loss of trust in environments similar to where the harassment occurred to the victim.
- Being ostracized from professional or academic circles.
- Loss of trust in the types of people that occupy similar positions as the harasser.
- Extreme stress in relationships with significant others.
- Having to relocate to another city, another job, or school.
- Loss of job and income; loss of tuition because of having to leave school.
- Loss of references/recommendations.
- Loss of career.
- Weakening of support network: colleagues, friends, and even family may distance themselves.

IF YOU ARE BEING SEXUALLY HARRASSED:

- Tell the harasser specifically what he has done.
- Demand that the harassment STOP.
- Don't be wishy-washy. Say "No!" like you mean it.
- Don't make excuses for the harasser--hold him accountable. Do not pretend nothing has happened. Don't protect the harasser's feelings.
- Don't say "I have a boyfriend," or "I have a girlfriend," or "I'm married." This is NOT the same thing as saying "No!" It implies you would welcome the attention if you were not in a relationship.
- The harasser's behavior is the issue--not your behavior.
- Stand your ground and stick to your own agenda. Don't respond to the harasser's excuses or diversionary tactics. Do not allow yourself to be manipulated by others into backing down.
- Reinforce your statements with strong body language: eye contact, head up, shoulders back, a strong, serious stance. Don't smile. Timid, submissive body language will undermine your message. If the harassment continues, repeat yourself if you have to.
- Talk about the harassment to others. Staying silent protects harassers. (Taken from Sexual Harassment Support, 2006)

MYTHS ABOUT SEXUAL HARRASSMENT

Myth: Some people ask to be sexually harassed. They do this with how they dress, or how they act. They send "signals."

Reality: Being subjected to sexual harassment is a painful, difficult, and frequently traumatic experience. Defenses such as "she wore provocative clothes" and "he enjoyed it" are neither acceptable nor accurate.

Myth: If a person really wanted to discourage or stop sexual harassment, they could.

Reality: Often, the harasser is in a position to punish the recipient by withholding a promotion, giving a bad evaluation, or giving a low grade. In this society, men are known to rationalize their actions by saying that a woman's "no" is really a "yes."

Myth: Most charges of sexual harassment are false.

Reality: People have nothing to gain from making false accusations and filing false charges. It is very difficult to file sexual harassment charges, and "the system" can be very hostile to accusers. Confronting the issue can be both physically and financially draining. Usually, victims are traumatized further by the entire process.

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Myth: If you ignore sexually harassing behavior, it will eventually stop.

Reality: In a recent survey, only 29% of the women who said they tried to ignore the behavior said that it "made things better." Over 61% of the women said that telling the harasser to stop was the most effective method.

Myth: Only women are sexually harassed, this does not happen to men; and all sexual harassment perpetrators are male.

Reality: While women continue to be the majority of sexual harassment recipients, men do get harassed--by other men and by women. Currently, approximately 11% of EEOC claims involve men filing grievances against female supervisors. Also, increasing numbers of women are being sexually harassed by other women.

Myth: An harasser has to have sexual intentions towards their target for the behavior to count as sexual harassment

Reality: Sexual harassment is a form of abuse, most commonly an abuse of power. Any unwanted sexual attention constitutes sexual harassment. The harasser's rationale does not change this fact.

Myth: Sexual harassment is inevitable when people are working together.

Reality: While interactions between people may be inevitable, uninvited sexual overtures are not.

Myth: The seriousness of sexual harassment is exaggerated; most "harassment" is really minor, and involves harmless flirtation.

Reality: Sexual harassment can be devastating. Studies indicate that most harassment has nothing to do with "flirtation: or sincere sexual or social interest on the part of the perpetrators. And it is offensive, often frightening and insulting, to the victims. Research shows that victims must often to leave school or jobs to avoid harassment. Many experience serious psychological and health-related problems.

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(Taken from Sexual Harassment Support, 2006)

Myth: We live in modern times, and sexual harassment is becoming less of a problem.

Reality: Sexual harassment affects 40 to 60 percent of working women, with similar statistics for female students in colleges and universities. 10-20% of men have experienced sexual harassment in the workplace. Approximately 15,000 sexual harassment cases are brought to the Equal Employment Opportunity Commission (EEOC) each year.

Myth: Sexual harassment policies and legislation encourage a fear of sex, and demonizes behavior that is really normal between people.

Reality: Sexual harassing behavior may be common, but it is not "normal." Sexual harassment is not about sex; the core of the problem is abuse, particularly the abuse of power and authority. One would never say that racist acts are "normal," yet they are common, and are as harmful as sexual harassment. The issue is one of treating people with respect and dignity.
(Taken from Sexual Harassment Support, 2006)

Other aspects of sexual harassment that may benefit you covers topics such as the following:

- Harasser personalities and attitudes
- Patterns of sexual harassment
- Sexualized environments
- Recovery from sexual harassment

A useful website to access this information is <http://www.sexualharassmentsupport.org/index.html>
look: *Back Off: How to confront and stop Sexual Harassment and Harassers* by Martha Langelan

The local library also has available resources for further research.

For more information on how to proceed with filing a sexual harassment complaint, please visit the B.C. Human Rights Tribunal website at <http://www.bchrt.gov.bc.ca/>

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The Central Okanagan Elizabeth Fry Society offers a safe and confidential environment where you can learn about your rights and options, and where you can receive counselling and practical support.

Our services include:

- Specialized trauma therapy
- Accompaniment to hospital, police, and court
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- Victim Impact Statements
- Crime Victim Assistance Program
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