



Labour

Information on **LABOUR STANDARDS**

12 SEXUAL HARASSMENT

Part III of the *Canada Labour Code* (Labour Standards)

Division XV.1 of Part III of the *Canada Labour Code* establishes an employee's right to employment free of sexual harassment and requires employers to take positive action to prevent sexual harassment in the work place.

The following questions and answers will be of interest to employers and employees under federal jurisdiction. Pamphlet 1 of this series describes the types of businesses covered by the Code. It is available from any Labour Program office and on the labour.gc.ca website.

1. What is sexual harassment?

The Code defines sexual harassment as any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any employee; or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

2. Who is entitled to protection from sexual harassment?

Under the *Canada Labour Code*, every employee is entitled to employment free of sexual harassment.

3. What are the employer's responsibilities for the prevention of sexual harassment?

Every employer is required to make every reasonable effort to ensure that no employee is subjected to sexual harassment. Every employer, after consulting with employees or their representatives, must issue a policy on sexual harassment. The policy must contain at least the following items:

- a) a definition of sexual harassment that is substantially the same as the one in the Code;
- b) a statement to the effect that every employee is entitled to employment free of sexual harassment;
- c) a statement to the effect that the employer will make every reasonable effort to ensure that no employee is subjected to sexual harassment;
- d) a statement to the effect that the employer will take disciplinary measures against any person under his or her direction who subjects any employee to sexual harassment;
- e) a statement explaining how complaints of sexual harassment may be brought to the attention of the employer;
- f) a statement to the effect that the employer will not disclose the name of the complainant or the circumstances related to the complaint to any person unless disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation to the complaint;
- g) a statement informing employees of their right to make a complaint under the *Canadian Human Rights Act*.

4. How should employers inform employees about the sexual harassment policy?

Every employer shall post, and keep posted, copies of the sexual harassment policy where they are likely to be seen by employees.

This pamphlet is provided for information only. For interpretation and application purposes, please refer to Part III of the *Canada Labour Code* (Labour Standards), the *Canada Labour Standards Regulations*, and relevant amendments.

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