

Harassment as a form of discrimination

INFORMATION SHEET

What is harassment?

Harassment occurs when someone is subjected to unwelcome verbal or physical conduct.

Harassment is a form of discrimination that is prohibited in Alberta under the *Alberta Human Rights Act* if it is based on one or more of the following **grounds**:

- Race
- Religious beliefs
- Colour
- Gender
- Gender identity
- Gender expression
- Physical disability
- Mental disability
- Age
- Ancestry
- Place of origin
- Marital status
- Source of income
- Family status
- Sexual orientation

Unwanted physical contact, attention, demands, jokes or insults are harassment when they occur in any of the **areas** protected under the *Alberta Human Rights Act*. The protected areas are statements, publications, notices, signs, symbols, emblems or other representations that are published, issued or displayed before the public; goods, services, accommodation or facilities customarily available to the public;

tenancy; employment practices; employment applications or advertisements; and membership in trade unions, employers' organizations or occupational associations.

Discrimination has occurred if:

- someone is refused a job, promotion or a training opportunity because of resistance to harassment based on any of the grounds listed above;
- someone is refused a place to live or denied services normally provided to members of the public based on any of the grounds listed above;
- the harassment causes an unfavourable influence on decisions affecting job performance; or
- the harassment is insulting or intimidating.

The onus is on the person experiencing the harassment to inform the harasser that the behaviour is unwelcome.

Examples of harassment

Examples of harassment include:

- Verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts about appearance or beliefs.
- The display of pornographic, racist or offensive images.
- Practical jokes that result in awkwardness or embarrassment.

- Unwelcome invitations or requests, either indirect or explicit.
- Intimidation, leering or other objectionable gestures.
- Condescension or paternalism that undermines self-confidence.
- Unwanted physical contact such as touching, patting, pinching, punching and outright physical assault.

Workplace harassment

The *Alberta Human Rights Act* protects employees against harassment in and away from the workplace, if harassment is based on one of the protected grounds and the incidents occur in connection with their employment.

When a supervisor harasses an employee, it is an abuse of authority and the employer may be held responsible. It is inappropriate behaviour that may deny equal employment opportunity to the employee who is harassed.

When a co-worker harasses another employee, the employer may be held responsible.

Harassment is not new. What is new is a growing awareness of this serious problem in the workplace. Harassment can prove costly to employers through lost productivity, lost time through stress-related illnesses, frequent staff turnover and lowered staff morale.

Harassment based on race and religious beliefs

These are all forms of harassment when they occur in the areas protected under the *Act*: derogatory comments, taunts, threats, jokes, teasing or jeering about race, colour, national or ethnic origins, or about adornments and rituals associated with cultural or religious beliefs.

Employers are legally responsible for actively discouraging and prohibiting humiliating conduct or language that results in one employee's working conditions being less favourable than another's.

Sexual harassment

Sexual harassment is unwelcome sexual conduct. It is considered to be discrimination under the *Alberta Human Rights Act*. It includes any of the harassment examples listed above when they are of a sexual nature.

Behaviour that is acceptable to both parties involved, such as flirtation, chit-chat or good-natured jesting, would not be considered sexual harassment.

For more information

For more information about harassment as a form of discrimination, see these Commission information sheets:

- *Sexual harassment*
- *Developing and implementing an effective harassment and sexual harassment policy*
- *Sample harassment policy* 

Contact us

The Alberta Human Rights Commission is an independent commission of the Government of Alberta. Our mandate is to foster equality and reduce discrimination. We provide public information and education programs, and help Albertans resolve human rights complaints.

**Hours of operation: 8:15 a.m. to 4:30 p.m.
Monday to Friday (holidays excluded)**

Northern Regional Office (Edmonton)
800 – 10405 Jasper Avenue NW
Edmonton, Alberta T5J 4R7
780-427-7661 Confidential Inquiry Line
780-427-6013 Fax

Southern Regional Office (Calgary)
200 J.J. Bowlen Building
620 – 7 Avenue SW
Calgary, Alberta T2P 0Y8
403-297-6571 Confidential Inquiry Line
403-297-6567 Fax

To call toll-free within Alberta, dial 310-0000 and then enter the area code and phone number.

TTY service for persons who are deaf or hard of hearing
1-800-232-7215 Toll-free within Alberta

Email: humanrights@gov.ab.ca
Website: albertahumanrights.ab.ca

Please note: The Commission must receive your completed complaint form or letter within one year after the alleged contravention of the *Alberta Human Rights Act*. The one-year period starts the day after the date on which the alleged contravention of the Act occurred. For help calculating the one-year period, contact the Commission.

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