

INTERSECTING GROUNDS **DISCRIMINATION** violence ABUSE OF POWER gender based BULLYING **Sexism** employment sexual harassment

Poisoned environment
EDUCATION
to
poisonous

POLICY ON

Preventing

sexual and gender-based harassment

Sexual harassment in housing

Sexual harassment is a type of discrimination based on sex. When someone is sexually harassed where they live, it can make them feel very vulnerable. They may fear for their own safety and that of their families.

Under the Ontario *Human Rights Code*, sexual harassment is “engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome.” In some cases, one incident can be serious enough to be sexual harassment. Some examples of sexual harassment are:

- asking for sex in exchange for a benefit or a favour
- repeatedly asking for dates, and not taking “no” for an answer
- demanding hugs
- making unnecessary physical contact, including unwanted touching
- using rude or insulting language or making comments toward women (or men, depending on the circumstances)
- calling people sex-specific derogatory names
- making sex-related comments about a person’s physical characteristics or actions
- saying or doing something because you think a person does not conform to sex-role stereotypes
- posting or sharing pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including online)
- making sexual jokes
- bragging about sexual prowess.

In the case of housing, sexual harassment may also include:

- making uninvited visits to a person’s residence (either when they are home or not home)
- refusing to make needed repairs and/or do maintenance
- threatening to cut services
- threatening to evict someone if they do not go along with sexual advances.



Example: A tribunal found that a landlord engaged in sexual harassment, sexual solicitation and reprisal when he evicted a young single mother for rejecting his sexual advances.

Applying the *Human Rights Code* in housing

The Ontario *Human Rights Code* says everyone has the right to be free from sexual harassment by their landlord, someone working for their landlord, or someone who lives in the same building.

Because landlords are in a position of authority, and have access to apartments and often hold personal information, tenants can feel very threatened when they are sexually harassed. This may be especially true for low-income, racialized, gay and lesbian people, people with disabilities and other people identified by the *Code* who are sometimes targeted for sexual harassment.

While some men (especially men who identify as or are thought to be gay, bisexual or transgender) face sexual harassment in rental housing, it happens most often to women and people with low incomes.

Sexual harassment may be subtle:

Example: Other residents often ask a single woman living in a co-op questions such as: “Are you seeing anyone?” and “When are you going to settle down and have kids?” When she says these questions make her uncomfortable, she is told to “lighten up.”

Or it can be direct:

Example: When a property manager made unwanted sexual comments and tried to force a female tenant to date him, the manager and the property management company were found liable for sexual harassment.

People can be reluctant to report harassment in their home because they are afraid of “reprisal” or revenge such as withholding repairs, eviction, or even threats to their physical safety.

Example: When a woman in a housing complex rejected her landlord’s repeated requests for dates, she got written warnings about her use of a parking spot when a male friend stayed overnight. Yet any other residents in the complex also used the same parking spot for their overnight guests without any problems.

Preventing and responding to sexual harassment

Housing providers operating in Ontario have a legal duty to take steps to prevent and respond to sexual harassment. They must make sure they have poison-free environments that respect human rights. From a human rights perspective, it is not acceptable to ignore sexual harassment, whether or not someone has formally complained or made a human rights complaint.

When deciding if a housing provider has met its duty to respond to a human rights claim, tribunals are likely to think about:

- the procedures in place at the time to deal with discrimination and harassment
- how quickly the organization responded to the complaint
- how seriously the complaint was treated
- the resources made available to deal with the complaint
- if the organization provided a healthy environment for the person who complained
- how well the person who complained was told about the action taken

Housing providers can prevent many cases of sexual harassment by having a clear, comprehensive anti-sexual harassment policy. In cases of alleged sexual harassment, the policy will alert all parties to their rights, roles and responsibilities. Policies must clearly set out how the sexual harassment will be dealt with promptly and efficiently. The OHRC's *Policy on preventing sexual and gender-based harassment* includes the suggested contents of an anti-sexual harassment policy.

Everyone should know about the anti-sexual harassment policy and the steps in place for resolving complaints. This can be done by:

- giving policies to everyone as soon as they are introduced
- making all employees, tenants, *etc.* aware of them by including the policies in orientation material
- training people, including people in positions of responsibility, about the policies, and educating them on human rights issues.

An effective sexual harassment policy can limit harm and reduce liability. It also promotes the equity and diversity goals of organizations and institutions and makes good business sense.

All housing providers should monitor their environments regularly to make sure they are free of sexually harassing behaviours. Taking steps to keep a poison-free environment will help make sure that sexual harassment does not take root, and does not have a chance to grow.

For more information:

To find out more about what you can do to prevent and address sexual harassment in housing, see the Ontario Human Rights Commission's *Policy on preventing sexual and gender-based harassment* at www.ohrc.on.ca

For more information on the human rights system in Ontario, visit:

www.ontario.ca/humanrights

The Human Rights System can also be accessed by telephone at:

Local: 416-326-9511

Toll Free: 1-800-387-9080

TTY (Local): 416-326 0603

TTY (Toll Free) 1-800-308-5561

To file a human rights claim (called an application), contact the Human Rights Tribunal of Ontario at:

Toll Free: 1-866-598-0322

TTY: 416-326-2027 or Toll Free: 1-866-607-1240

Website: www.hrto.ca

To talk about your rights or if you need legal help with a human rights application, contact the Human Rights Legal Support Centre at:

Toll Free: 1-866-625-5179

TTY: 416-314-6651 or Toll Free: 1-866-612-8627

Website: www.hrlsc.on.ca

For human rights policies, guidelines and other information, visit the Ontario Human Rights Commission at www.ohrc.on.ca

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