

PATHWAYS TO SUPPORT

Legal Avenues of Support
for Survivors of Sexual
Harassment
in the Workplace

3 The Supreme Court of Canada

The Supreme Court of Canada only hears cases that it considers to be of public importance and to have national significance.

Before a case can reach the Supreme Court of Canada, it must have used up all available appeals at other levels of court. They submit a leave application to be reviewed by three members of the court and wait for the review result.

The Right to Refuse 4

A worker may refuse to work or do work where he/she has reason to believe that the physical condition of the workplace or the part in which he/she works is likely to endanger them. And report the situation to the employer or supervisor.

The employer needs to ensure that incidents and complaints of workplace harassment are investigated where appropriate. And inform the victim of the investigation results and any corrective action required to be taken.

6 The Ministry of Labor Employment Standards Act

Employees who take domestic or sexual violence leave are entitled to the same rights as employees who take pregnancy or parental leave. For example, an employer cannot threaten, fire or penalize in any other way an employee for taking, planning on taking, being eligible or being in a position to become eligible to take a domestic or sexual violence leave.

1 The Human Rights Tribunal of Ontario (HRTO)

If you have experienced sexual or gender-based harassment or discrimination in the workplace that is against your rights, you can file a human rights claim with the HRTO.

More Information: <https://tribunalsofntario.ca/hrto/>

The Human Rights Legal Support Center provides free legal advice and helps you file human rights applications.

More Information: <http://www.hrlsc.on.ca/en/welcome>

2 Small Claims Court

If you suffer a financial or emotional loss or reputational damage because of sexual harassment, you can start a civil case and sue that person or business in Small Claims Court. You can file documents online using the Small Claims Court Submissions online portal.

Filing Report Online: <https://www.ontario.ca/page/file-smallclaims-court-documents-online#section-3>

Email: ServiceOntarioAccount@ontario.ca

Phone: 1-888-745-8888

More Information: <https://www.ontario.ca/page/suingsomeone-small-claims-court>

5 The Ministry of Labor Occupational Health & Safety Act (OHSA)

Before filing a complaint about workplace sexual harassment with the ministry, you can report the sexual harassment to your employer or supervisor or consult a joint health and safety committee or a health and safety representative about your concern. Either way, Under the OHSA, they should ensure you are safe at work and conduct an investigation.

If you feel you are unable to raise your concerns to the company, you can still file a complaint with the ministry.

Online: <https://www.ontario.ca/page/filing-workplace-healthand-safety-complaint>

Phone: 1-877-202-0008 (TTY: 1-855-653-9260)

In case of emergency call: 911

7 Filing a Report to Ontario Provincial Police (OPP)

In more extreme cases, sexual harassment will be criminal in nature. This will be the case where the harassment involves attempted or actual physical assault, including sexual assault, or threats of an assault.

If the sexual assault just happened, or you are in immediate danger, call 911.

OPP online reporting system allows you to submit a report from your computer or mobile device. Once you send the submission, you may be contacted to provide more information.

Report Online: <https://www.opp.ca/index.php?id=132>

Phone: 1-888-310-1122

More Information: <https://www.opp.ca>