

AMSSA Migrant Worker Hub Webinar Handout:

Sexual Harassment in Migrant Worker Communities



Territorial Acknowledgement

As a provincial umbrella association, AMSSA acknowledges that B.C. is on the unceded homelands of First Nations who have stewarded this land since time immemorial. We recognize the privilege that we have as settlers on this land and acknowledge that AMSSA's operations is on the unceded traditional territories of the xʷməθkʷəy̅əm (Musqueam), Skwxwú7mesh (Squamish), and Səlilwətaʔ/Selilwitulh (Tsleil-Waututh) Nations.

Thank You

We would like to thank Rita Schnarr from Schnarr Counselling and Ravneet Riar from the Migrant Workers Centre for their contributions to the content of this handout.



Outreach Strategies for Migrant Worker Service Providers

On March 16, 2022, AMSSA's Migrant Worker Hub held a webinar on this topic with speakers Rita Schnarr from Schnarr Counselling and Ravneet Riar from the Migrant Workers Centre. Speakers shared the different types and forms of sexual harassment are, the legal implications for a migrant worker experiencing sexual harassment, the psychological and mental health impacts on a migrant worker experiencing sexual harassment and provided support services for migrant workers who have faced or are facing sexual harassment in the workplace.

The information presented during the webinar is reflected in this accompanying handout to be used as a learning tool for those working with and supporting migrant worker communities in Canada.

The webinar can be accessed here on the Migrant Worker Hub:

<https://migrantworkerhub.ca/migrant-resource/sexual-harassment-in-migrant-worker-communities>

INTRODUCTION

Sexual harassment can have a serious negative impact on victims. It also impacts others in the workplace who witness it and can negatively affect employee morale and productivity. Sexual harassment may take many forms including verbal, physical and psychological. Many victims do not report the sexual harassment they have experienced for a variety of reasons, but also because they may not recognize that what they have experienced constitutes as sexual harassment and may not know how or where to report it.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination that involves conduct:

- Of a sexual nature, that is gender-based
- That is unwelcome, and
- That detrimentally affects the work environment or leads to adverse job-related consequences.

Source: *Janzen vs. Platy Enterprises Ltd, SCC, 1989*

Sexual harassment can take many forms. It is not necessarily obvious, direct and explicit. It can also be subtle. Sexual harassment happens most frequently to women but affects all people. Some examples include:

- Unwanted touching
- Offensive jokes about men and women

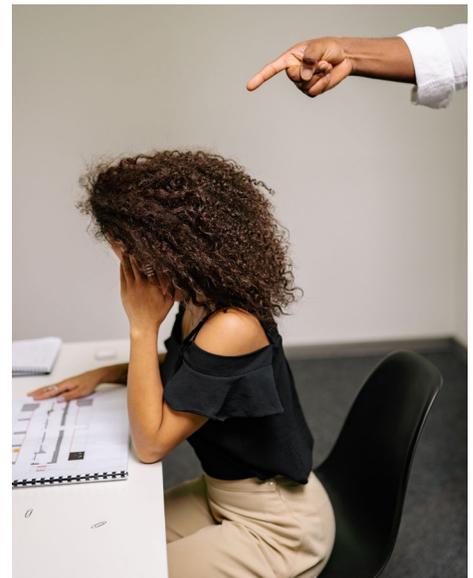


Photo by Yan Krukov

- Staring at, or making comments, about someone's body
- Saying or doing something because someone thinks a person does not fit sex-role stereotypes
- Showing sexual pictures
- Being verbally abusive because of gender
- Spreading sexual rumors about someone

Sexual harassment is often not about sexual desire or romantic interest at all. Harassment can include visual and non-verbal conduct. It is important to be aware of how degrading comments can layer and compound to create intolerable work environments.

SEXUAL HARASSMENT IN THE WORKPLACE

Employers have an obligation to prevent and respond to sexual harassment through policies, trainings and reporting mechanisms.

What should an individual do if they face harassment at work?

- If they feel safe, try to make it clear that the behavior is unwanted (leave the room or explain that you don't feel comfortable).
- Document the behaviour so they can refer to their notes if they decide in the future that they want to make a report or a complaint. It is recommended to record dates, times, and locations of incidents and to save any relevant text messages, emails, voice mails, etc. Also keep a record of if anyone was a witness, if anyone was contacted for help, and any other actions that were taken.
- If there are internal reporting mechanisms and if they comfortable doing so, they can make an internal report. Employers are responsible for preventing and responding to harassment and should have reporting mechanisms in place.
- Depending on the workplace, they may speak to a supervisor or a human resource officer.
- Seek legal advice to find what their options are.



BC HUMAN RIGHTS TRIBUNAL (BCHRT)

Sexual harassment is a form of discrimination, so it violates the Human Rights Code. The body in charge of deciding on human rights complaints in BC is the BC Human Rights Tribunal (BCHRT). Once the complaint has been filed, the BCHRT assesses whether it should be accepted for filing and assists parties through the complaint process. BCHRT offers opportunities to help the parties settle the complaint (mediation). If there is no settlement, the complaint goes to a hearing and a Tribunal member makes a decision about the complaint. If the complaint is found to be justified, then the BCHRT can order one or more remedies. Complaints must be filed within one year of the act or omission that is the basis of the complaint.

Complaints can be filed with the BCHRT:

- Online

- By Mailing a Complaint Form
- By Emailing a Complaint Form
- For more information and to get further assistance with a BCHRT complaint, contact:
- The BC Human Rights Clinic: <https://bchrc.net> / Tel: 604.622.1100 / Toll Free: 1.855.685.6222
- The BC Human Rights Tribunal: www.bchrt.bc.ca / Tel: 604.775.2000 / Toll Free: 1.888.440.8844

ADDITIONAL RESOURCES

WorksafeBC

- For help with or to report any workplace health and safety issues, contact: Prevention Information Line: 1.888.621.7233 (1.888.621.SAFE)
- For questions about the claims process, and for matters related to sexual harassment, it is recommended to phone the Teleclaim number: 1.888.967.5377 (1.888.WORKERS)

Respect at Work Legal Clinic

- In partnership with ISSofBC, Migrant Worker Centre (MWC) staff provide free legal advice to newcomers who have faced sexual harassment at work.
- For an appointment, contact ISSofBC: 604.684.3599 / respect.work@issbc.org
- MWC also has a Respect at Work hotline, Tuesday to Saturday 9-5 and Tuesday and Thursday evenings from 5-8: 604.404.1931 / info@mwcabc.ca

310 Mental Health Support

- For emotional support, information and resources: 310.6789 (no area code).

1-800-SUICIDE

- For support if the individual is experiencing feelings of distress or despair, including thoughts of suicide: 1.800.784.2433



Photo by SHVETS Production

VictimLinkBC

- Provides information and referral services to all victims of crime and immediate crisis support to victims of family and sexual violence, including victims of human trafficking exploited for labour or sexual services. For confidential, multilingual services available across B.C. and the Yukon 24 hours a day, 7 days a week: 1.800.563.0808 / VictimLinkBC@bc211.ca

The **Migrant Worker Hub** is a digital centre of resources and tools to enhance the knowledge and capacity of individuals, employers, unions, professional associations and other organizations supporting migrant workers in British Columbia.

To access all the resources available visit: <https://migrantworkerhub.ca/>

Questions? Send us an email to migrantworkerhub@amssa.org