

Native Legal Info

SEXUAL HARRASSMENT IN THE WORKPLACE

Éducaloi, in collaboration with the Quebec Native Women's Association , presents Native Legal Info. This legal bulletin deals with sexual harassment in the workplace. It is intended to inform Aboriginal women of their rights and the legal actions that can allow them to defend those rights.

Maria has been working for one (1) year at the band council office in her community as a clerk in the financial department. After several days of hesitation, she calls Manon, a lawyer and childhood friend and they make arrangements to meet each other.

Manon : Hi Maria ! Always on time as I see.

Maria : Of course. As always, you know me.

Manon : Come into my office and have a seat! You seem nervous. What can I do for you?

Maria : Well, I've been having problems with my boss since the office Christmas party. It all started with inappropriate remarks about my dress and the way I walked. In the following days he made comments about my breasts and asked me several times to go out with him. Because I rejected his offer and asked him to stop bothering me, he insinuated that I could be fired. What can I do?

Manon : Poor Maria. Being a victim of words or behaviours with a sexual connotation that you do not want and that are done repeatedly is nothing else than sexual harassment.

Maria : You know Manon, I'm afraid to lose my job. Each day is getting harder. People are talking behind my back and the working environment has completely deteriorated. Some days, I tell myself that I should probably quit and forget about it.

Manon : Don't do that Maria. You don't have to accept such a thing. You must take the means to make it stop. You don't have to suffer for your boss's behaviour.

Maria : What can I do to defend myself ?

Manon : First, you must inform your employer of the situation. The band council must take the necessary measures to make it stop. If in spite of that your boss continues to harass you, you have no choice but to sue him in court.

Maria : How do I do that ?

Manon : You can sue your boss personally for the damages he has caused. Your employer can also be held responsible for not having taken the necessary measures to prevent and stop the sexual harassment of which you were a victim.

Maria : So, where do I go to file an official complaint?

Manon : As your employer, the band council is under federal jurisdiction, you can go to the Canadian Human Rights Commission to have this behaviour stop, and can receive, in certain instances, some kind of indemnity. Also, it is possible by hiring a lawyer to go to court in order to claim damages and interest. If your employer had been under provincial jurisdiction, you'd have gone to the Commission des droits de la personne du Québec.

Maria : Do you think you can help me?

Manon : Certainly. We'll look at your case in detail over a cup of coffee.

If you are a victim of sexual harassment in your workplace, please do not hesitate to contact the Canadian Human Rights Commission at 1-888-643-3304 or the office of the Commission des droits de la personne et des droits de la jeunesse du Québec in your area.

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