

12 Workplace Sexual Harassment Myth Busters

SAFERPLACES NB.ca



Public Legal Education
and Information Service
of New Brunswick



NEW BRUNSWICK
HUMAN RIGHTS
COMMISSION

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**Public Legal Education
and Information Service
of New Brunswick**

P.O. Box 6000

Fredericton, NB E3B 5H1

Telephone: (506) 453-5369

Email: info@saferplacesnb.ca

www.legal-info-legale-nb.ca



NEW BRUNSWICK
HUMAN RIGHTS
COMMISSION

P.O. Box 6000

Fredericton, NB E3B 5H1

Telephone: (506) 453-2301

Email: hrc.cdp@gnb.ca

[www2.gnb.ca/content/gnb/en/
departments/nbhrc.html](http://www2.gnb.ca/content/gnb/en/departments/nbhrc.html)

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Introduction

Workplace sexual harassment (WSH) is commonly misunderstood. Workers often do not recognize when sexual harassment has occurred. They may not understand what rights, responsibilities, and consequences are associated with sexual harassment at work.

One reason behind this confusion arises from the broad definition of what constitutes sexual harassment. WSH can range from compliments and questions that are not intentionally offensive, to sexual touching and coercive invitations for sex.

Another reason behind misunderstanding WSH is the presence of a high degree of misinformation. Myths or untruths are often the reasons why some people fail to report their harassment and why other people continue to harass.

This guide will outline some of the most common myths that cause this disconnect. Our hope is you will finish this guide with a clearer understanding of workplace sexual harassment. Then you will be ready to take the steps to prevent it or make it stop.



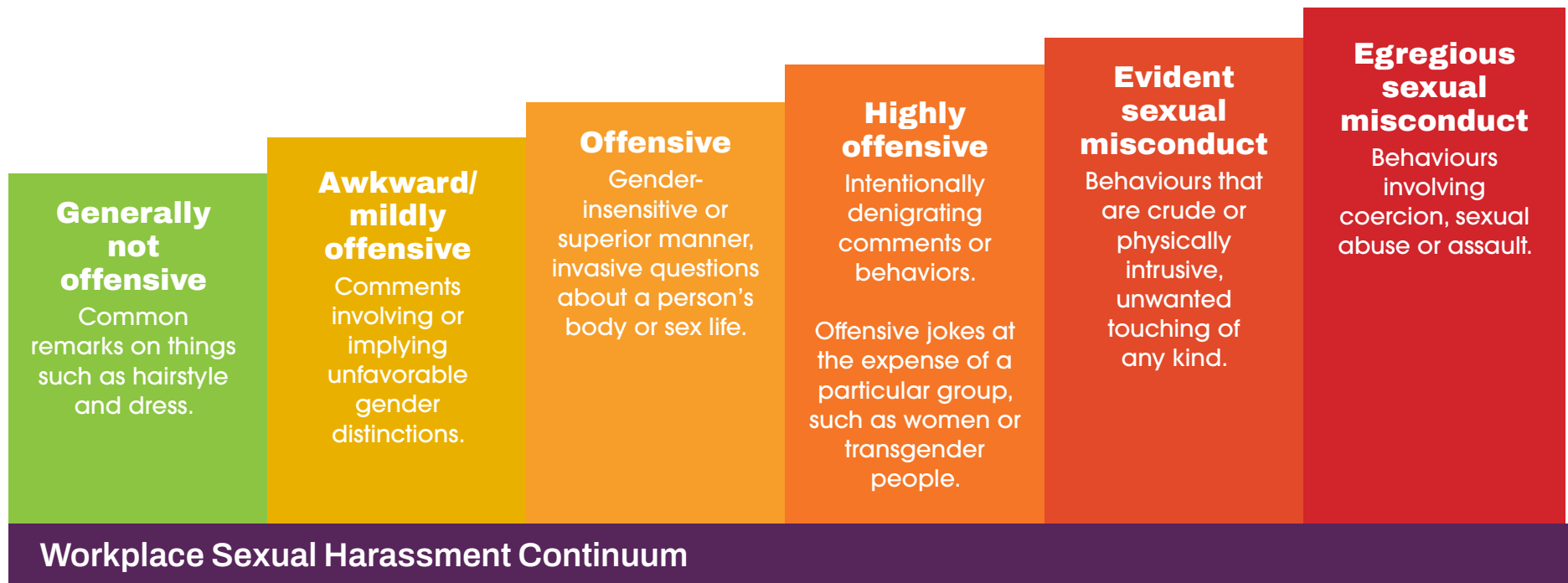
What are the different levels of Workplace Sexual Harassment?

Workplace sexual harassment occurs on a continuum of lesser or greater offensive behavior. On the higher end are the most offensive and clearly illegal forms of workplace sexual harassment. These include unwanted sexual touching, attempts at coercing sexual favours, and sexual assault.

At the lower end of the continuum are non-physical behaviours that can still add up to creating a toxic workplace. These include unwanted

compliments about someone's appearance and discriminatory behavior based on someone's gender, sexual orientation, or gender identity.

The most clearly offensive behaviors are those on the right end of the continuum. These are the behaviors that are traditionally understood by most people as being sexual harassment. If the sexual harassment is elsewhere on the continuum of offenses, you may be unsure about how to interpret the experience and whether to report it.





What you might think...	What an expert might say...
Maybe I'm being over sensitive?	It's not being over sensitive to demand a safe and respectful workplace.
I guess it was meant to be a compliment?	If you find it offensive, it's not a compliment.
Was it just a joke?	It's not funny when it's at your expense.
I wonder if I don't have the power to complain?	You have legal rights and protections against harassment.
They are older and probably don't know better?	Age is no excuse to offend others.

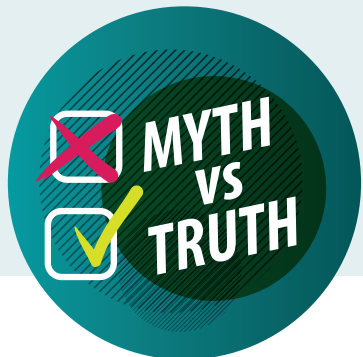
Should I report?

It is common to have doubts about whether an offensive experience is truly sexual harassment. These doubts grow if others make excuses for the offensive behaviour. For example, they may call you oversensitive or say co-workers are just having fun. These excuses are most often grounded in a lack of understanding about what constitutes sexual harassment and what legal protections exist for workers.

The Myth Busters

The following scenarios, we are calling ‘mythbusters,’ serve to illustrate the most common types of workplace sexual harassment. Each scenario explains a myth that may prevent someone from putting a stop to this type of offensive behavior at work. The truth that ‘busts’ the myth is explained. Tips on what to do along with helpful resources are included.

View all the [MythBuster videos](#) on the SaferPlacesNB.ca website.



#1

MYTHBUSTER

Can 'joking,' be sexual harassment?

Sexual jokes at work **CAN** be considered harassment.

THE TRUTH IS... even if a joke isn't meant to be offensive, suggestive jokes may still bother the other person and be called sexual harassment. Often bystanders are also offended, and may be considered harassed by sexual jokes as well.

Why would someone be offended by a joke?

People can try to hide unwelcome intentions behind humour. They may use jokes as a way to flirt, to make fun of someone, or to express prejudice and animosity. Although people may feel they can successfully deflect a complaint by saying – “*it was just a joke!*” – that does not stand up as a legal defense.

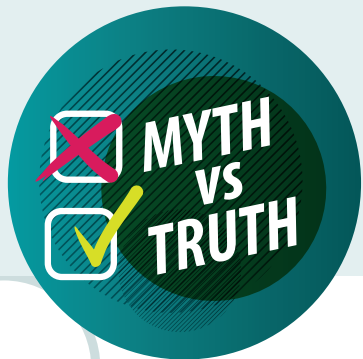
Examples of sexual humor that could count as sexual harassment may include:

- Jokes that demean women or men.
- Teasing about sexual orientation or gender identity.
- Sexual stories or jokes with sexual language, profanity, or graphic descriptions of sex acts told in-person or through email or social media.

Resources:

- SaferPlacesNB.ca [training for employees](#)
- Share this MYTHBUSTER video: [Myth Busters 1](#)





#2

MYTHBUSTER

Can 'compliments' be sexual harassment?

Compliments about appearance at work CAN be considered harassment.

THE TRUTH IS... even if you don't mean to cause harm, your compliment may still offend the other person and be considered sexual harassment. Compliments about someone's appearance may be interpreted as an uncomfortable sexual advance. Workers may also feel devalued when compliments focus on their appearance instead of their abilities.

Compliments may be inappropriate depending on the:

Tone – the person uses a suggestive tone of voice that alarms you.

Context – the compliment is combined with suggestive facial expression, gesture, or physical proximity.

Nature of the relationship – the person is not a friend.

Pattern of behaviour – you have made it clear you don't welcome the compliments but it continues.

Consequence – you feel you want to avoid the person and your job performance suffers.

Resources:

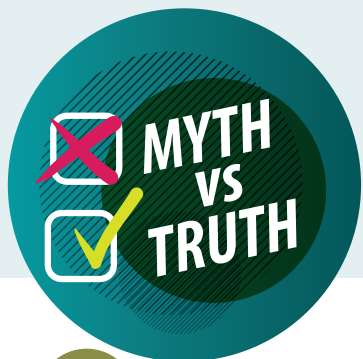
- SaferPlacesNB.ca [training for employers](#)
- Share this **MYTHBUSTER** video: [Myth Busters 2](#)

That red sweater
fits you *really* well.

Ummm, OK.

TIP:

Make sure that workplace compliments are socially appropriate, welcomed by the person, and focused on skills and achievements rather than appearance.



#3

MYTHBUSTER

If the person is not sexually interested in you, can it still be sexual harassment?

Sexual harassment DOES NOT need to be based on a sexual interest.

THE TRUTH IS... sexual harassment does not have to involve a desire for sex. Instead it is often motivated by disrespect, desire for dominance, or bullying.

Sexual harassment does not need to look like flirting. It can instead look more like rude jokes or mean-spirited teasing.

Offensive teasing that crosses personal boundaries can take the form of questions. Examples of questions that could count as sexual harassment may include:

- Asking questions about someone's sexual history
- Asking questions about sexual preferences
- Asking someone for specifics about their transition, body, or anatomy

Members of the LGBTQ2S+ community sometimes report experiencing uncomfortable sexual questions from coworkers. These more subtle forms of harassment are sometimes referred to as “**microaggressions**.” A microaggression is a social behaviour which serves to ostracise, stigmatise, objectify, exclude, ignore, or disrespect someone.

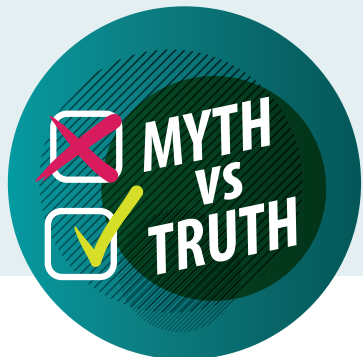
Resources:

- [Tips on Recognizing and Preventing Microaggressions](#)
- Share this **MYTHBUSTER** video: [Myth Busters 3](#)



TIP:

When an employee suffers a series of microaggressions, the negative effects can add up over time to be very harmful to their mental health and well being. The best remedy is to develop policies and training to counteract negativity in the workplace.



#4

MYTHBUSTER

Does sexual harassment have to be physical?

Words, pictures or text can all be used to sexually harass someone.

THE TRUTH IS... sexual harassment does not have to involve a physical component. Instead it can happen through the use of spoken or written words, gestures, or pictures.

You do not even need to be physically present at work to be sexually harassed. Sexual harassment can occur through any means of communication, including computers and phones. Examples of different types of sexual harassment sent digitally include:

- sexist remarks
- sexting
- requests for *quid pro quo* sexual favours
- sexual humour
- cyberstalking
- sharing inappropriate photos or videos.

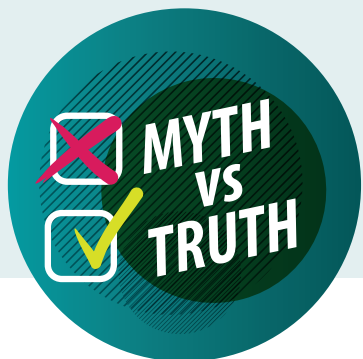
TIP:

Make sure you quickly set clear, firm boundaries about inappropriate behaviour you notice online by co-workers or employers before things develop further.

Oh my gosh! Did he *really* just send me that?!

Resources:

- ➔ Download this form to [Report Harassment](#)
- ➔ Share this **MYTHBUSTER** video: [Myth Busters 4](#)



#5

MYTHBUSTER

Is the person being harassed the only one affected by sexual harassment?

I heard what he said to you.
Are you okay?



TIP:

Make sure you speak out about workplace sexual harassment that you witness before the behavior grows to create a toxic work environment for everyone.

Workers who witness sexual harassment or are aware of it may also be impacted.

THE TRUTH IS... a majority of employees have at some time witnessed sexual harassment at work. Even if someone is not being harassed personally, harassment can poison the work environment.

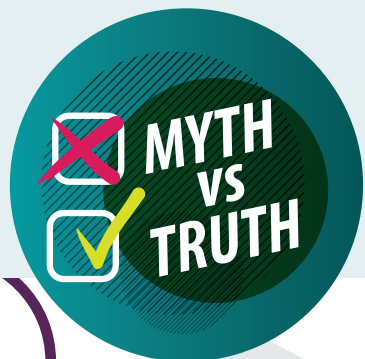
What can a bystander do?

Bystanders can play an important role in ending workplace sexual harassment by taking action. If someone witnesses or learns about an incident of sexual harassment, they can:

- Speak out. Tell the person that their behaviour is not OK. Refuse to listen to sexist jokes and comments.
- Talk to the targeted employee and offer support.
- Talk to the employer about the need for a policy and associated training on harassment if there is none.

Resources:

- Download [Options for Employees Witnessing Sexual Harassment](#)
- Share this **MYTHBUSTER** video: [Myth Busters 5](#)



#6

MYTHBUSTER

Is workplace sexual harassment only a problem for straight women or cisgender people?

LGBTQ2S+ people are twice as likely to be a target of workplace sexual harassment.

THE TRUTH IS... sexual harassment does not need to occur between people of different genders or gender identities. In fact, workplace sexual harassment can happen between people of any gender identity.

LGBTQ2S+ workers are often targeted with offensive sexualized and discriminatory behaviors. They are at least **twice as likely** to experience sexual harassment than their non-LGBTQ2S+ colleagues. This harassment may be focused on their gender identity or gender expression, which is a violation of the New Brunswick *Human Rights Act*.

Ways you can support LGBTQ2S+ workers

- Listen with undivided attention when someone brings you a concern or complaint without making any judgment.
- Acknowledge the difficulty and the person's feelings – "It sounds like that behavior was very offensive to you."
- Avoid asking unnecessary questions about details that may make the sharing stressful.

Resources:

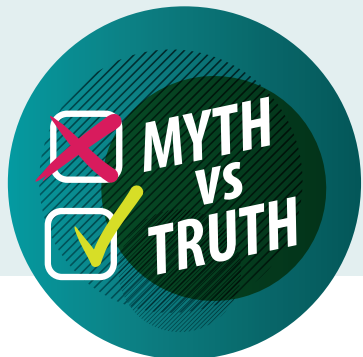
- ➔ Go to saferplacesnb.ca/en/gender-identity/.
- ➔ Share this **MYTHBUSTER** video: [Myth Busters 6](#)

Do you date men or women?

That's none of her business!

DID YOU KNOW?

Use inclusive language that respects someone's gender identity and sexual orientation. In the workplace, it's a violation of the New Brunswick *Human Rights Act* to refuse to refer to a transgender employee by their chosen name or pronoun.



#7

MYTHBUSTER

Are men always the sexual harassers and women the targets?

Anyone, no matter their gender, can be the harassed or the harasser.

THE TRUTH IS... anyone, no matter their gender or gender identity, can be the harassed or the harasser.

There are a growing number of sexual harassment cases involving men or women harassing men. Studies suggest that at least **1 in 6 men*** experience inappropriate sexualized behaviours at work. Non-heterosexual men or men that challenge traditional perceptions of gender roles and masculinity are most at risk.

Sexual harassment of men is thought to be hugely underreported typically because:

- Men are afraid of embarrassment or of not being taken seriously
- The sexual behavior is part of a tradition of hazing
- Men believe that men can't truly be sexually harassed by women or that it is seen as humorous rather than harmful
- They are afraid of job retaliation

TIP:

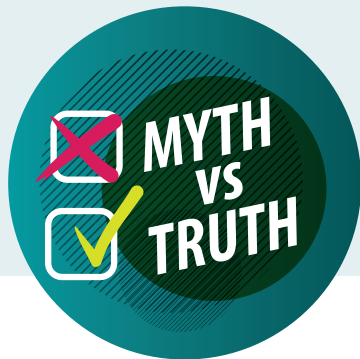
Keep records of emails, text messages, memos, and other documents that are discriminatory or harassing. Document all incidents with date and time, who did the harassing, what you did in response, and any witnesses.

Get your hands off me!

Resources:

- You can use this form to [Report Harassment](#)
- Share this **MYTHBUSTER** video: [Myth Busters 7](#)

*Statistics Canada 2020



#8

MYTHBUSTER

Does workplace sexual harassment only happen at the workplace?

Sexual harassment can occur at any location related to work.

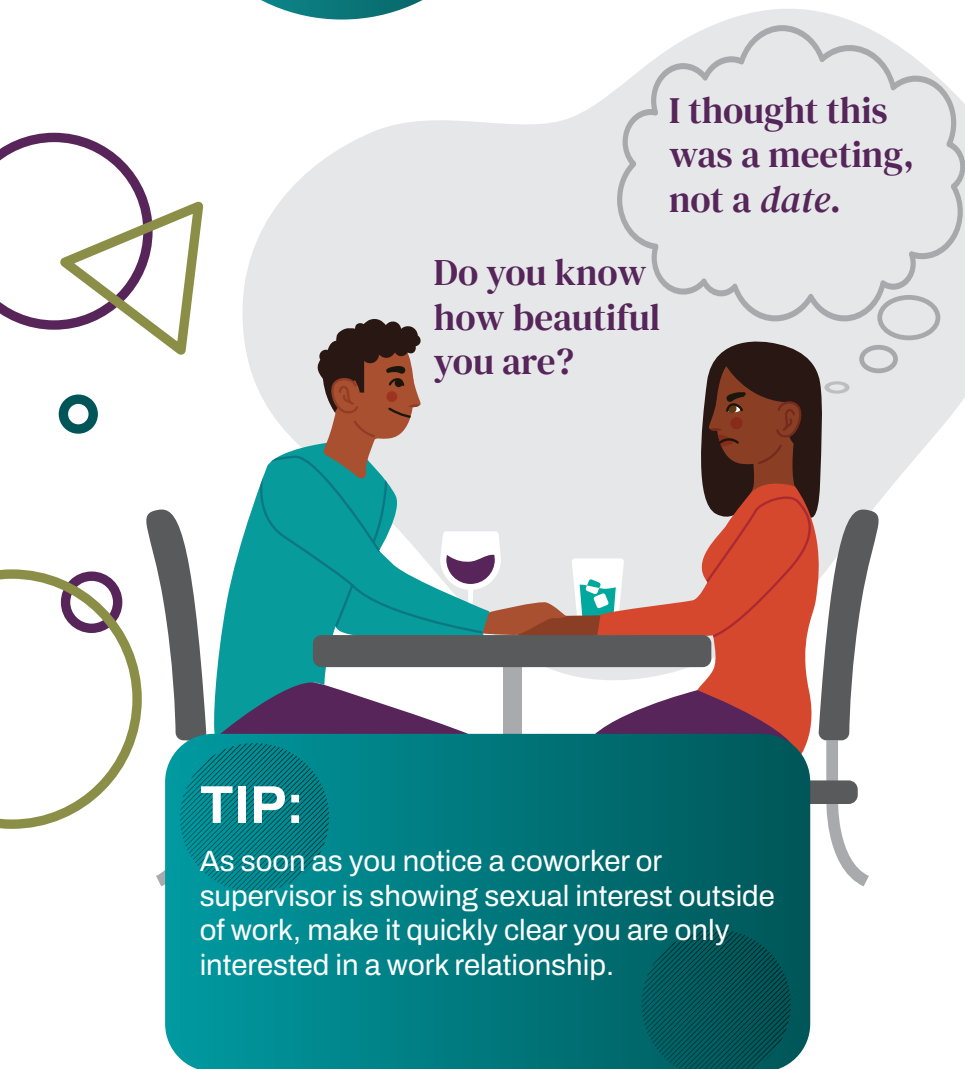
THE TRUTH IS... workplace sexual harassment can happen outside of the workplace at events that are a part of work, such as a conference or meeting. The New Brunswick *Health and Safety Act* defines “place of employment” as: *any building, structure, premises, water or land where work is carried on by one or more employees*. This includes a:

- meeting place
- conference or team-building site
- project site, or mine
- vehicle an employee uses

Sexual harassment is illegal no matter where the people are working. When someone feels uncomfortable about inappropriate sexual behavior from a co-worker or boss, they can take steps to make it stop. The organisation may have a sexual harassment policy with guidance to follow in the case of a complaint.

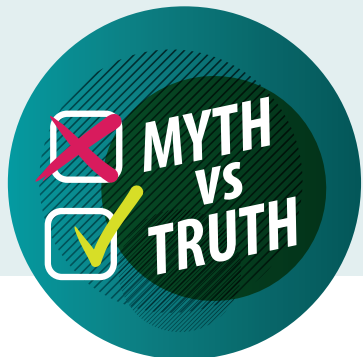
Resources:

- ➔ You can use this form to [Report Harassment](#)
- ➔ Share this **MYTHBUSTER** video: [Myth Busters 8](#)



TIP:

As soon as you notice a coworker or supervisor is showing sexual interest outside of work, make it quickly clear you are only interested in a work relationship.



#9

MYTHBUSTER

Does workplace sexual harassment only happen between a boss and an employee?

Sexual harassment can occur between anyone in the same workplace.

THE TRUTH IS... workplace harassment can occur between employees, or even between employees and workplace visitors, such as clients or delivery personnel.

Under Health and Safety and Human Rights legislation, New Brunswick employers must prevent and address workplace harassment in their workplaces through policy, training, and responsible management. If they do not, employers can be held legally and financially liable. This liability can extend to the corporation, its leadership, owners, and Board of Directors.

New Brunswick workers found guilty of workplace sexual harassment may be:

- Disciplined by their employer, up to and including termination.
- Held personally liable under health and safety legislation or human rights legislation (i.e. financially).
- Charged with a criminal offence under the Criminal Code of Canada.

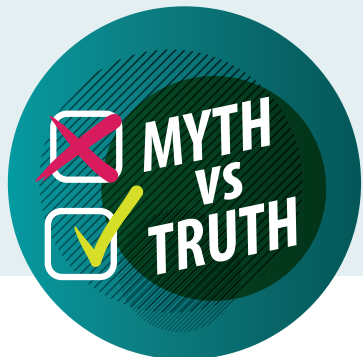
Resources:

- [Workplace Sexual Harassment - The Facts](#)
- Share this **MYTHBUSTER** video: [Myth Busters 9](#)



TIP:

Stop sexual harassment at work, no matter who is the harasser. Tell the person what they are doing to make someone uncomfortable. Make it clear that it must stop.



#10

MYTHBUSTER

Does remote work makes sexual harassment impossible?

Workplace sexual harassment does not have to be face-to-face.

THE TRUTH IS... you can say nothing at all and still be guilty of sexual harassment. Any form of communication can constitute workplace sexual harassment when the sender is a co-worker or boss, the content is perceived as sexual or sexist, and the message is found to be unwelcome or offensive.

These forms of communication include:

- gestures
- texts
- emails
- images

Your organisation may have a sexual harassment policy, with recommended steps to follow in the case of a complaint. Steps include recording and reporting the offensive behavior.

Resources:

- Download a [form to report workplace sexual harassment](#)
- Share this **MYTHBUSTER** video: [Myth Busters 10](#)

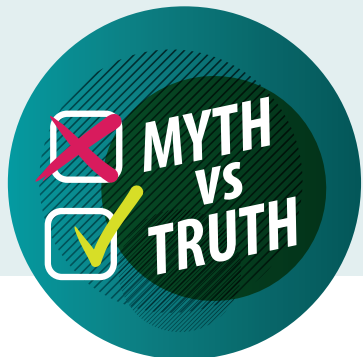


This is the kind of photo he sends me.

You have to report this!

TIP:

If you are receiving or being exposed to unwelcome sexual images or text from people at work, immediately let them know you find it offensive and want it to stop.



#11

MYTHBUSTER

If it only happened once, can it be sexual harassment?

Depending on the circumstances, even a single incident can be considered sexual harassment.

THE TRUTH IS... sexual harassment is offensive sexual or sexist conduct that happens one or more times. One incident is enough to legally constitute sexual harassment if it is severe and has a lasting impact. Examples of more severe forms of workplace sexual harassment where one time is enough may include:

- Unwelcome sexual touching and kissing
- Unwelcome pursuit of sexual relationship despite being told “no”
- Demeaning and crude jokes about sex, sexual orientation, or gender
- Disrespectful comments on someone’s sexuality, gender, or body
- Coercing a sex act
- Exposing sexual parts or doing sexual activity in front of others

Resources:

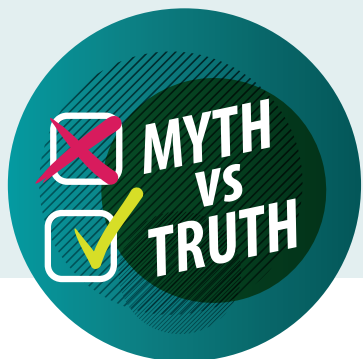
- Take [employee training to address workplace sexual harassment](#)
- Share this **MYTHBUSTER** video: [Myth Busters 11](#)

How many times did it happen?

Just one time. Do I have to wait for more before I do anything?

TIP:

Don’t wait for it to become commonplace before making it clear that you want the sexual harassment to stop.



#12

MYTHBUSTER

If you don't respond to sexual harassment, will it eventually stop?

Ignoring it doesn't work, and may even make sexual harassment worse.

THE TRUTH IS.. someone who is sexually harassing you and feels ignored may believe they have to just try harder to get your attention and interest. If the conduct is based on flirtation, discrimination or bullying, none of these motivations are stopped through ignoring.

It is important that the harasser clearly understand from you that the behavior is offensive and unwanted. You can send this message with a witness both verbally and, if needed, also in writing. If that does not work, an official complaint is the next step.

How long do I have before I file a complaint?

Check with your employer policy about any time constraints for reporting. To file a complaint with the [New Brunswick Human Rights Commission](#), you must file within twelve months of the last event of alleged harassment leading to the complaint, unless there are extenuating circumstances.

Resources:

- Learn more about your reporting options [here](#).
- Share this **MYTHBUSTER** video: [Myth Busters 12](#)

Shouldn't I just ignore it?

Do you really think ignoring is working?

TIP:

There are several avenues to make an official complaint. Consider your options before making the best choice for your circumstance.

Conclusion

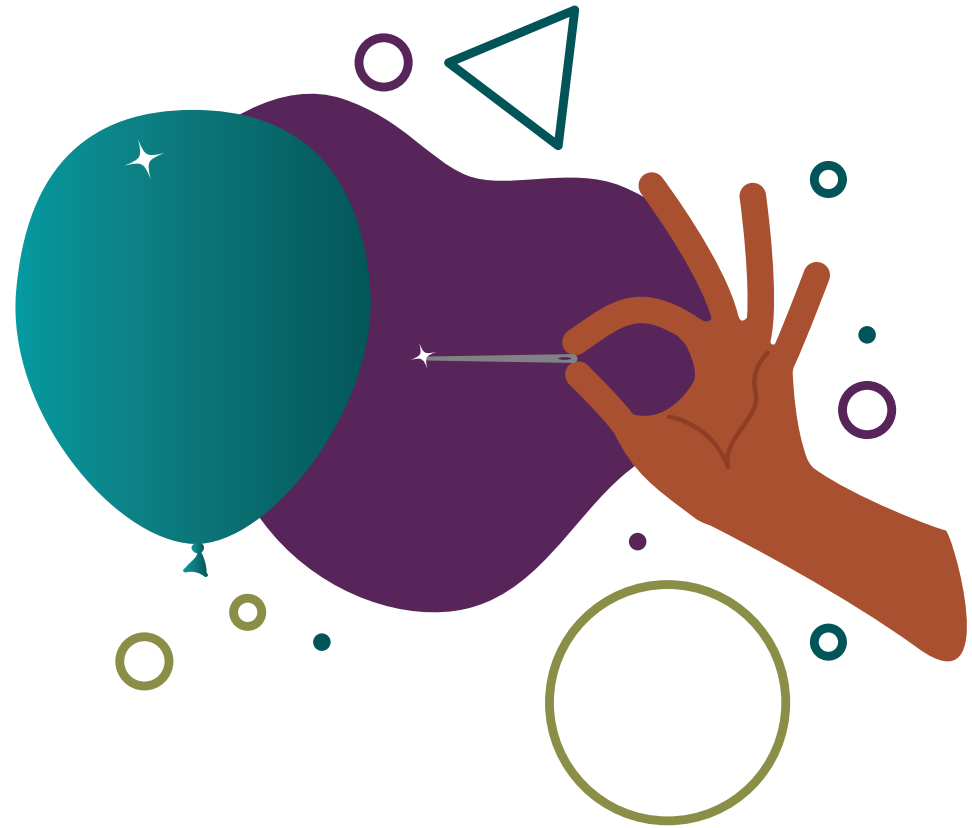
Let's bust these myths!

Workplace sexual harassment has poisonous effects. People who experience sexual harassment at work can have a range of feelings, from discomfort to devastation. These feelings can last for days or years. A harassed worker can develop anxiety or depression. The workplace can develop a toxic atmosphere.

The organisation can suffer a damaged reputation, employee turnover, increased absenteeism, and lowered productivity. The legal consequences for both the organisation and involved individuals can include dismissal, lawsuits, fines, and public litigation. All of these effects point to the fact that **sexual harassment at work must be prevented**.

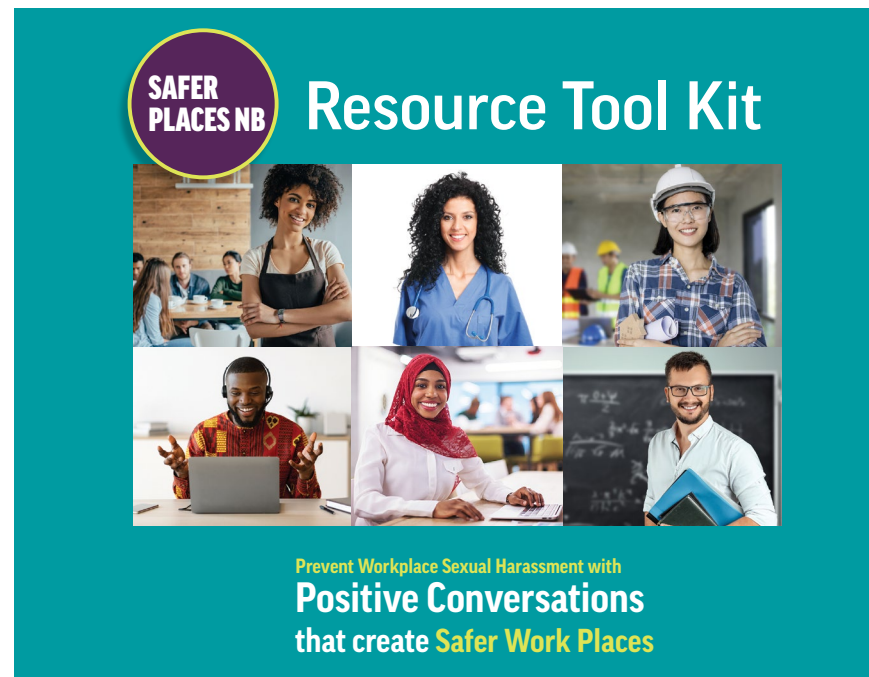
Statistics underline the size and urgency of the problem. About half of employees experience workplace sexual harassment sometime during their careers. Despite this enormous number of affected people, there are relatively few cases that end up being officially litigated through the New Brunswick *Human Rights Act*, New Brunswick Health and Safety Legislation, or the Common Law. The likely reason is that when it comes to workplace sexual harassment, **few workers are aware of their rights, and few employers are aware of their responsibilities**.

Perhaps you have identified with one or more scenarios illustrated in this guide. You may now recognize an offensive workplace behavior as sexual harassment. To learn more about what to do if you have a current complaint, explore the information and training available at [SaferPlacesNB.ca](https://saferplacesnb.ca).



Together we can make New Brunswick workplaces safer for everyone!

The Safer Places Resource Tool Kit contains resources that can help you address workplace sexual harassment:



[Download PDF](#)